

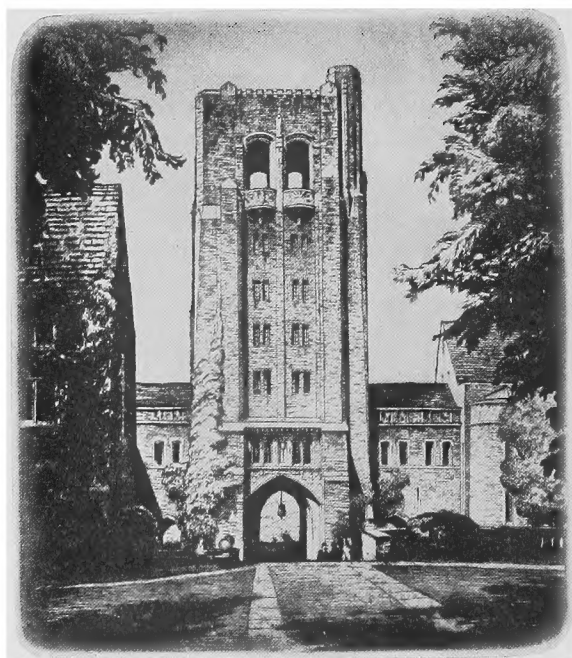
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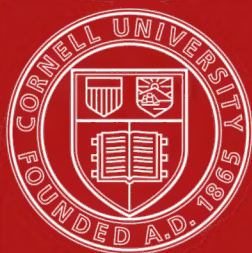
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BRIEF MAKING
AND THE
USE OF LAW BOOKS
THIRD EDITION

BRIEF MAK.(3D ED.)

(i) *

BRIEF MAKING
AND
THE USE OF LAW BOOKS

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THIRD EDITION

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PREFACE TO THE THIRD EDITION

SINCE the publication of the Second Edition in 1909 there has been a remarkable increase in the interest exhibited in the subject of Brief Making and the Use of Law Books, not merely by the law schools of the country, but by the profession at large. Many additional schools have introduced into their curricula courses on this subject, and a considerable number have made their courses compulsory instead of elective.

While the Second Edition was, of course, more popular and useful than the first, a Third Edition has become necessary for several reasons.

In the first place, a number of important legal publications have recently been issued, with the effect of simplifying the methods of using law books. Hence, much matter contained in the Second Edition is now obsolete, making it necessary to bring down to date those chapters which deal with the use of law books.

Secondly, the analysis of the subject in former editions was experimental, and the arrangement of the book was largely governed by considerations which no longer apply. Therefore, an entirely new analysis of the subject has been worked out, in the light of experience and of a fuller knowledge. It is based purely upon the logical order of the different divisions of the subject, and upon practical considerations of class-room instruction.

Parts I and II, which deal with matters of legal bibliography, have necessarily, for reasons already mentioned, been almost completely rewritten.

Part III was originally written by Professor Eugene Wambaugh of the Harvard Law School. Experience with the First and Second Editions indicated that in class instruction this portion of the subject could be more satisfactorily taught if dealt with in six comparatively short chapters. Accordingly the division has been made, and at the same time those portions of Professor Wambaugh's article, which covered questions which general experience had shown to offer special difficulty, have been amplified.

Part IV of the Second Edition, dealing with the trial brief, written by Professor Edson R. Sunderland of the Michigan University Law School, and Part V, on the Brief on Appeal, by Professor Henry S. Redfield of Columbia University Law School, have been retained with little or no change from the form in which they were first printed.

The Appendix, included in this Edition as Part VI, constitutes a Manual of Legal Bibliography. The compilers thereof have, in pre-

paring it, endeavored to include all such information regarding legal publications as can be reduced to condensed tabular form. No attempt has been made to include any descriptive matter regarding individual publications, since this is fully covered by the preceding text. Although the compilation is designed primarily as a supplement to such text, it is hoped that Part VI will prove constantly useful as a manual of legal bibliography. The compilers take pleasure in acknowledging their indebtedness to the Minnesota State Library for the Alphabetical Table of English Reports included in Part VI.

With regard to instruction in the use of law books in general, it should be added that it is a universally accepted fact among all who have had wide experience in teaching the subject, either to law students or practicing attorneys, that no general explanation of how any legal publication should be used is of much value or assistance unless developed by supplementary illustrations showing the actual application of each point brought out by the general statement. That such illustrations may be vivid and understandable, it is essential that they be followed out by actual examination and use of the various books themselves. It cannot be too emphatically stated that it is the use of the books themselves which alone can make the study of legal bibliography effective.

Unfortunately, the books explained in Brief Making are not always accessible at all, or in sufficient numbers for class-room work. To meet this difficulty a Reference Book in the form of an 800-page illustrative volume has been published for use in connection with the present text. In fact, Brief Making will be found to contain many citations such as "See Reference Book, pages ——." The Reference Book consists of specimen pages from the more important legal publications in general use by the profession. Although it will prove of help in visualizing the arrangement, character, and appearance of publications illustrated, its use should be supplemented whenever possible by actual reference to the law library.

Of all the subjects included in the curriculum of the progressive modern law school, none is more immediately practical than the Use of Law Books. While the study of it cannot make a good lawyer out of one whose knowledge of the law itself is inadequate, it will make a good lawyer into a better one, and will increase the practical efficiency of any person whose work involves frequent reference to the law library.

That the present volume may adequately serve the purposes of a text-book for class instruction or individual study in its appointed field is the hope of the present editors, as it has been that of the original editors and contributors.

ROGER W. COOLEY.

CHARLES LESLEY AMES.

January 2, 1914.

PREFACE TO THE SECOND EDITION

THE first edition of "Brief Making," which was published in 1906, marked an epoch in the history of legal education and literature. Prior to that time very few law schools had attempted to give any systematic instruction in the art of brief making. The general excellence of the new book influenced a number of the leading law schools to adopt it as a text-book, and led others to establish courses of instruction founded on and following its general plan. This use of the book during the three years that have elapsed since its publication has, of course, been fruitful in suggestions for improvement. These suggestions have been supplemented by others developed from the editor's experience as a lecturer on Legal Bibliography and The Use of Law Books in the leading law schools of the country.

In the present edition a large amount of new material has been added, and the general arrangement has been altered to accord with the views of teachers and practitioners whose use of the book has qualified them to judge of the needs of the student and of the profession. Those parts of the original edition which treated of the subjects "Where to Find the Law" and "How to Find the Law" have been entirely rewritten. In compliance with the desire of many instructors there has been added a new part on "The Trial Brief."

It is believed that the new edition is well adapted to use as a text-book on brief making and as the foundation for a complete course of instruction in legal bibliography. The aim has been to make it suggestive and adapted to the methods of all teachers of the practical side of the law.

ROGER W. COOLEY.

ST. PAUL, MINN., Sept. 1, 1909.

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BRIEF MAKING AND THE USE OF LAW BOOKS

THIRD EDITION

INTRODUCTION

BY WILLIAM M. LILE

Dean, University of Virginia School of Law

Introduction

The failure of the law schools to turn out graduates better prepared for the practical work of the office or courtroom is an old and ever recurring theme of complaint from bench and bar. The recent graduate himself, wrestling with his earliest practical problems, is especially prone to lay his troubles at the door of the law school.

Without stopping to inquire in what other directions the law school has come short of its duty to the student, law teachers generally must concede that while a knowledge of law books and their use—in short, brief making, in its broader sense—is an essential professional acquirement, this field is yet, for the average law school graduate, a vast waste of uncharted and unexplored territory. Following precedent, the teacher has been content to lay before the student, in the form of lectures, text-books or cases, or these combined, principles of the teacher's own choosing; but little or no necessity for sustaining or combating a particular proposition by written argument is encountered by the student while in the law school. The result has been that the student enters upon the practice, possibly with an excellent command of legal principles, yet, as a practitioner, quite as helpless to “make war” for his client as an unarmed soldier to do battle for his country.

The reason for this defect in legal instruction is not far to seek. The courses of instruction, in even the leading law schools, are comparatively brief, and the ground to be covered is practically without limit. The teacher must pick and choose. At best, the law school can supply but a small part of the student's need. Such subjects as are dealt with in statutes, decisions, and text-books—subjects about which lawyers dispute, and for the elucidation of which there are authorities to be consulted—have naturally held the attention of the teacher, in

INTRODUCTION

preference to those subjects about which the books speak but sparingly, and which must be learned by observation and practice. Every teacher of law knows the little value of mere oral instruction, howsoever important the matter or expert the instructor, if the substance of the matter taught cannot be placed before the student in a form for subsequent review.

Certainly, instruction in brief making has not been neglected because of its lack of importance. The lawyer at the bar, who knows nothing of legal bibliography beyond his college text-books, or who, with the books in his hands, cannot make an exhaustive examination of the authorities on a given point—who cannot rapidly analyze an opinion and determine the precise points for which it is authority, with doctrine and dictum carefully discriminated—lacks much of necessary professional equipment. Indeed, even though an expert in all these, if he still lack the art of making his learning effective in the form of argument and a well-constructed brief, his other accomplishments will not save him from defeat at the hands of a less learned but more skillful adversary. If it be true that in the days of our grandfathers, when books were few and causes were argued largely on principle, the lawyer with one book was a dangerous adversary, it is no less true in modern days, when books are many and judges demand “cases in point” as well as principles, that it is the lawyer with many books and the skill to use them whose briefs win causes in the appellate courts, and furnish material for immortal opinions.

The fair conclusion is that instruction in brief making and the use of books has been neglected in many law schools, not because of the intrinsic or comparative unimportance of these branches, but because until recently the necessary material has not been accessible in convenient form. Up to the time when the second edition of “Brief Making” was published (1909), there was no volume which the teacher might put into the hands of the student as a basis for instruction in this intensely practical department of the profession. The purpose of the present volume is the better to supply this want, giving the student and young practitioner a working knowledge of the depositories of the law, with practical suggestions as to the method of looking up authorities and properly presenting his case to the court. The hope of the authors and publishers is that the volume will awaken an interest in this very important branch of legal instruction, and that the law schools may be able more fully to respond to the demands of the bench and bar, in the direction of the better practical equipment of their graduates.

PART I

WHERE TO FIND THE LAW

By ALFRED F. MASON
EDITOR OF THE AMERICAN LAW SCHOOL REVIEW

BRIEF MAK.(3D ED.)

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PART I

WHERE TO FIND THE LAW

BY ALFRED F. MASON
Editor of the American Law School Review

CHAPTER I

INTRODUCTORY—SOURCES AND REPOSITORIES OF THE LAW

- § 1. Introduction.
2. Law Defined.
3. Sources of the Law.
4. Legislative Enactments.
5. Judicial Decisions.
6. Repositories of the Law.
7. Authority.
8. Same—Primary Authority.
9. Same—Secondary Authority.
10. Same—Kinds of Authority Distinguished.
11. Same—Search Books.

§ 1. Introduction

The study of law is the study of books to an extent unknown in other sciences. The physical sciences are studied by observation and experiment; books being resorted to merely for explanation. The inductive method pursued in the study of physical science is applicable also to the study of law—by the examination and comparison of judicial decisions. But the student of law cannot make experiments. He can only observe the results of past experiments, as recorded in the cases contained in the reports. Except what he may be taught by word of mouth, the study of books is almost the only source from which he may learn or deduce the rules and principles of law, and learn their practical application.

By the time the student is admitted to the bar he has learned some law. But, unless he is blinded by overconfidence, he has also discovered that it is impossible for any man to know all the law. However well grounded he may be in the general, fundamental principles of the law, he knows that there are infinite variations and modifications of those principles in their application to ever-varying facts and conditions, which it would take him a lifetime to learn. With his first case, after he enters the practice, a problem is, perhaps, presented to him that cannot be solved by any of the general principles he has learned—that exemplifies one of those variations, the explanation of which depends on the discovery of

some special rule. To find this special rule, he must resort to books. It is only in exceptional instances that the law is discovered by theorizing and reasoning. The young lawyer should learn at the very beginning of his practice to settle legal propositions by consulting the books for himself, instead of waiting for their value to be taught him in court by an opposing counsel. But, as he glances over the library shelves, with their thousands of volumes, he wakes up to the fact that, in order to practice law successfully, he must know how to use the books that constitute the lawyer's tools. Since he cannot expect to know all the law, he must know where to find it and how to find it.

§ 2. Law Defined

What is this "law" that he must know where and how to find? Obviously, he is not concerned with any theories of jurisprudence, or with any philosophical discussion or speculation as to the exact nature and origin of law. His client has—or thinks he has—certain rights that he desires to have recognized and enforced. What is wanted is some rule or principle that will recognize and enforce those rights. But the rights in question may rest merely on social convenience or moral rules. These, however desirable and important, cannot always be enforced.

As the student or lawyer has to deal with it, "law" is concerned only with legal rights, and by "legal rights" are meant only such rights as are recognized and enforced by the state.¹ What the lawyer wants to find, therefore, is a rule that can be enforced by proper authority, and in our system of government the proper authority is the judicial tribunal. For all purposes, therefore, save that of strictly philosophical inquiry, the "law" may be taken to be the sum of rules administered by courts of justice; or, to use the words of Prof. Thayer, by "law" we mean "a rule or standard which it is the duty of a judicial tribunal to apply and enforce."

Prof. Holland, in his *Elements of Jurisprudence* (1st Am. Ed. p. 35), defined "law" as "a general rule of external human action, enforced by a sovereign political authority." Blackstone's definition of "law" as "a rule of action prescribed by the supreme power of a state, commanding what is right and forbidding what is wrong," is familiar. There are numerous other definitions, variations of the foregoing, which may be found in Vol. 5, *Words & Phrases*, p. 4014. But, as said by Prof. Woodruff (*Introduction to the Study of Law*, p. 3), these definitions obviously refer only to Municipal Law, which regulates the intercourse of a state with its subjects and the intercourse of those subjects with each other, and excludes International Law, which regulates the intercourse of nations with one another. Indeed, Prof. Holland remarks that International Law can be "described as law only by courtesy, since

¹ Dillon, *Laws and Jurisprudence of England and America*, p. 12.

the rights with which it is concerned cannot properly be described as legal."

§ 3. Sources of the Law

Considered with reference to its sources, the law, as thus defined, falls into two general classes: The written or statute law, and the unwritten or common law. The use of the terms "written" and "unwritten" to describe the two classes of the law is, however, more or less inaccurate and misleading. While it is probably true that at one period the common law was actually unwritten, yet since the time of the Year Books (1292) the common law administered by the courts has been, to a greater and greater extent, written law. On the other hand, the term "unwritten law" is so thoroughly established in legal phraseology as synonymous with the terms "common law" and "case law" that we may safely continue to use it, merely remembering that it is no longer descriptive.

The written or statute law has its origin in legislative enactments, using that term in its broadest sense. The unwritten or common law, on the other hand, has its origin in ancient customs, expressive of legal rights, which have been transmuted into positive law by decisions of courts of justice.

To these sources of law might be added a third, namely, that body of the law which has its origin in adjudication. Though, according to the old English view, judges are "not delegated to pronounce a new law, but to maintain and expound an old one,"² still, as a matter of fact, the courts have been intrusted with and have always exercised, though not, perhaps, avowedly, a certain power of making rules for cases not previously provided for by any well-established principle, and have even modified existing laws from time to time, in order to carry out current ideas of what is equitable, or to adapt them to the changing needs of society.³

The law derived wholly or partially from adjudication and the law derived from ancient customs through the medium of judicial decisions together make up the Case Law, as distinguished from the Statute Law. The distinction between the two parts of the Case Law is, however, not clearly marked or universally recognized. So far as the practitioner is concerned, the question is largely one of academic interest rather than of practical importance.

Whatever the origin or nature of the rules making up the whole body of law, they become of practical importance to the lawyer only when they have become transmuted into positive law by the enactment of a lawmaking body or by the solemn adjudication of a judicial tribunal. Hence, for practical purposes, the law for which the lawyer is looking is a rule that has its immediate origin in legislative enactment or in the decisions of the courts.

The laws that originate in legislative enactment we may designate

² 1 Bl. Comm. 69.

³ Holland, *Elements of Jurisprudence* (1st Am. Ed.) p. 54.

nate by the generic term "Statutory Law." The Case Law, which originates in the decisions of judicial tribunals, we may designate as "Decisions." Taking this as our starting point we may disregard all discussion or theory as to the ultimate source of law. As we find it, the law is all included by the two divisions named.

§ 4. Legislative Enactments

In its broadest sense legislation may be regarded as that source of law which consists in the declaration and promulgation of legal rules by a competent authority. Some writers have insisted that, even when the judges establish a new principle by judicial decision, they exercise a legislative power. Interesting as this may be from a philosophical standpoint, for practical purposes judicial decisions must be excluded from that class of rules known as "legislative enactments." On the other hand, we are not justified in limiting the statutory law to those rules only which are promulgated by what we commonly call "legislatures." Any positive enactment to which the state gives the force of a law is a "statute," whether it has gone through the usual stages of legislative proceedings, or has been adopted in other modes of expressing the will of the people or other sovereign power of the state. In an absolute monarchy, an edict of the ruling sovereign is statutory law. Constitutions, being direct legislation by the people, must be included in the statutory law, and indeed they are examples of the highest form that the statute law can assume. Generally speaking, treaties also are statutory law, because in this country, under the provisions of the United States Constitution, treaties have not the force of law until so declared by the representatives of the people.

The enactments of state or national legislative bodies are of course statutory law, and indeed, in its narrower sense, the term "statutes" is used to indicate the legal product of legislation by the representatives of the people. An ordinance passed by the common council of a municipality is a species of legislation as much as an act passed by the Legislature. It is in the nature of a local statute. Even rules of court have, in several cases, been held to have the force of statute law, and may therefore be fairly classed, with other positive enactments, under the general head of "Statutes."

§ 5. Judicial Decisions

The second great division of rules which we call laws are those found in Decisions. A decision arises only in an Action—that is, in a proceeding in a court of justice whereby one party seeks, as against another, to secure the enforcement and protection of some right and the redress and prevention of some wrong, or the punishment of a public offense. The determination of the court in such a proceeding, as to the rights of the parties, is the Decision.

So that the essential elements which must be present, in order that a rule of law shall result from a decision, are an action or proceeding presenting a distinct controversy and a court to determine the controversy.

The word "court" is used in law to describe the governmental agency through which the laws are interpreted and applied and justice administered. The word "judge" is sometimes used as synonymous with "court"; but this use is erroneous. While the judge is an essential part of the court, so that there can be no court without a judge, the judge alone does not constitute a court. A decision by a judge alone does not create a rule of law; but only a decision by a judge or judges sitting as a court.

The systems of courts in the various states differ widely from each other, though they have some general features in common. There is usually a court of final appeal, to review the decisions and correct the errors of the lower courts; a court of general original jurisdiction, where controversies are first heard and determined, a court of inferior jurisdiction, to hear and determine minor criminal cases and civil cases involving small amounts; a court having special jurisdiction of probate matters—that is, the settlement of estates of deceased persons. There are, of course, numerous variations of this simple scheme. In some states there are intermediate courts of appeal, a decision by which is final in certain kinds of cases. Sometimes the court of general jurisdiction is divided into two branches, one having jurisdiction of cases at law and the other of equity cases. In some instances, too, there may be a separate court to try criminal cases; and in other instances there is no separate tribunal for probate matters.⁴

In order that there may be a proper determination by the court of the controversy or Action, the course of the hearing and determination is governed by certain rules of Procedure. As courts do not take the initiative, and will not attempt to decide a controversy unless applied to for that purpose, there must be some method of applying to the court for the enforcement of rights and the redress or prevention of wrongs, and the court must acquire jurisdiction over the party against whom relief is sought. The court acquires jurisdiction over the complaining party by his resorting to the court for his remedy; and jurisdiction is acquired over the other party by a notice given to him to the effect that an action has been begun against him. This notice may be called a "writ" or "summons."

It is, of course, essential that the court should know the exact question in controversy between the parties. This is ascertained

⁴ In Chapter 7 of the Appendix will be found a complete list of the courts having appellate jurisdiction in each state.

by the Pleadings. The complaining party, or plaintiff, files a statement of his cause of action—the declaration, petition, or complaint. The other party, or defendant, may deny the facts, by an answer or plea, or he may claim that, even if the facts are true, they show no right to recover—by demurrer. If he takes the latter step, an issue of law is raised, which the court will proceed to decide. If, however, he denies the facts, an issue of fact is raised, which is ordinarily left to a jury to decide. The parties then proceed to a Trial of the issue so raised. Witnesses testify as to the truth of the facts alleged, or the truth may be shown by documents, and upon the Evidence thus produced the jury finds that the facts alleged are, or are not, true. Thereupon the court renders a Judgment determining the rights of the parties. In order, however, that the rights of the parties may not rest on an erroneous judgment, provision is made for a review of the proceedings and judgment in the court of appeal. The party against whom the judgment of the lower court was rendered may by proper proceedings carry the controversy into the higher court by Appeal, or in some states by a Writ of Error. After a hearing and argument, the court of appeal renders a Decision, thus giving us the final authoritative declaration of the law, usually supported by the reasons for the determination—the opinion—which is to be found in the Reports.

It is in the reports of these decisions that we find the one true authoritative expression of the rules of the common or customary law.

§ 6. Repositories of the Law

Considered with reference to its origin, the repositories of the law are Statutes (using the term in the comprehensive sense, as including Constitutions and all other positive enactments of law-making bodies) and Decisions. Thus, the division of the repositories of the law follows the distinction between the two kinds of law. Notwithstanding the fact that there are a large number of other books, commonly called law books, Statutes and Decisions are the only repositories of “the law,” with the possible exception of certain legal treatises that have arisen to the dignity of real authority, in that the legal views of the author have something of the nature of judicial utterance.

The law student is disposed to accept as law everything his instructors state to be the law, and to consider as conclusive the statements made by text-book writers. “The instruction given by a capable law teacher, the advice and suggestions of an intelligent and experienced practitioner, the statements of a careful text-writer, are of great value to the student. Their views may be in a high degree clear and accurate, yet the student should bear in

mind that neither law teachers nor practicing lawyers nor text-writers are the authorized repositories of the law. It is in the law library that these repositories are to be found.”³ The authentic repositories thus referred to of the law include the Statutes and Decisions.

§ 7. Authority

For convenience of description, as well as on grounds of logic and for the sake of clear thinking, law publications may be divided into three main divisions or classes:

First, those books that are the authentic repositories of the law itself—that is to say, the statutory law and the judicial decisions—and which may be designated as “books of primary authority”;

Second, those books that are published for the purpose of ascertaining, explaining, and expounding the law, and which may be termed “books of secondary authority”;

Third, those books which are intended merely as subsidiary aids in finding the law, and which may be described by the generic term “Search Books.”

§ 8. Same—Primary Authority

It must be borne in mind that the term “books of primary authority” is confined to those books that are repositories of the actual law—that is to say, of the statutory law and the decisions of judicial tribunals. Hence the only publications that may properly be regarded as books of primary authority are Constitutions, Treaties, Statutes, Ordinances, Governmental Orders and Regulations, Rules of Court, and the Reports of judicial decisions.

To these might perhaps be added a very few treatises and commentaries, which have been so long approved by the courts and have had so great an influence on the development of the law that the opinions expressed by their authors regarding the law have come to have almost the weight of a judicial utterance. But such books are very few in number—the works of Littleton and Lord Coke, the writings of Sir Matthew Hale, and perhaps one or two other works of comparatively early date, and even these may more safely and logically be classed as of only secondary authority, though very strongly persuasive.

§ 9. Same—Secondary Authority

Out of and around the class of publications referred to above (i. e., those of primary authority) have grown up a multitude of law books of secondary authority, designed in part to make the law accessible and in part to expound it by inference, generalization, and commentary. To this class belong the great majority, if not all, of the treatises, commentaries, and text-books on legal subjects, and encyclopædias of law—publications which undertake to “re-

³ Woodruff, *Introduction to the Study of Law*, p. 8.

fine the product" of the reports by generalization and deduction of abstract principles. To this class also belong the law dictionaries and digests.

The digests, in their various forms, serve chiefly the purpose of directing the searcher for legal information to the exact places where it is to be found in the reports and statutes. As in the case of encyclopædias, text-books, and the other books of secondary authority, these books should not be depended upon as conclusive in their statement of the law, for the reason that they are not authoritative, but are designed simply as indexes to, and as abridgments of, the reports. Like all books of secondary authority, their value depends chiefly on their accuracy, exhaustiveness, and convenience of arrangement.

The majority of text-books are, in effect, another form of digest, but are one step further removed from the primary authority, in that they not only attempt to deduce the specific rules underlying the decisions, but also to recombine, in the form of general principles of law, the results thus obtained. A small proportion of the texts indulge in argument and in discussions of legal principles, which, though without authority in the proper sense, are often of help and value.

§ 10. Same—Kinds of Authority Distinguished

It may be well to call attention to the fact that the word "authority" is used by lawyers in at least two senses, one abstract and the other concrete. The word is used above in its concrete sense; that is, as referring to the book or other repository to which one resorts to find propositions of law, and sometimes the word is used in an even narrower sense to mean reported cases. In its abstract sense, however, "authority" is substantially equivalent to "influence" or "power," and in this sense "authority" may be divided into two grades, in that the force of a statement of law is either imperative (that is to say, absolutely binding on the courts) or simply persuasive. The use of the terms "primary" and "secondary" authority as applied in the concrete sense, must not be confused with the use of the terms "imperative" and "persuasive" authority, used in the abstract sense. That is to say, a book of primary authority may be either imperative or persuasive, according to the circumstances, which will be explained in a later chapter, or it may be of no force at all. Books of secondary authority are, in the nature of things, usually merely of persuasive authority. This use of the terms "primary and secondary authority" and "imperative and persuasive authority" will be adverted to in a subsequent chapter.⁶ The distinction, which is of most importance at this point, is that between books of primary and books of secondary authority.

⁶ See Chapter V, § 2.

§ 11. Same—Search Books

There are numerous other books that have been devised to aid the lawyer in his search for authorities that cannot be said to fall in either of the two general classes mentioned above. These are books that may be classed under the generic term "Search Books." They are books which in themselves contain no statements of the law, but consist rather of lists or tables of cases and of statutes, etc., and which are used simply to assist the investigator in his search for the law. Most indexes, other than index-digests, may also be considered as belonging to this class of books. Such books will be described and their use explained in a subsequent chapter. It may be well to add, however, that some of the most important publications of recent years belong to this class of books.

CHAPTER II

BOOKS OF PRIMARY AUTHORITY—CONSTITUTIONS, TREATIES,
AND STATUTES

- § 1. Introduction.
2. Constitutions—Federal.
3. Same—State Constitutions.
4. Same—History and Commentaries.
5. Treaties.
6. Statutes.
7. Same—Session Laws.
8. Same—Compilations, Revisions, and Codes.
- (a) Compiled Statutes.
 - (b) Revised Statutes.
 - (c) Codes.
9. Same—Federal Statutes.
- (a) Statutes at Large.
 - (b) Revised Statutes of the United States.
 - (c) Compiled Statutes of the United States of 1901.
 - (d) Federal Statutes Annotated.
 - (e) Codification of the Federal Laws.
 - (f) Judicial Code.
10. Same—Ordinances and Government Orders and Regulations.
11. Same—Rules of Court.
- (a) Treatises on Federal Practice.
 - (b) Rules of the State Courts.

§ 1. Introduction

We have seen in the previous chapter that from the viewpoint of the practitioner “the law” consists of (1) the statutory law, and (2) judicial decisions; that in the term “statutory law” is to be included, not only statutes proper—that is, the enactments of the state or federal Legislatures—but also all positive enactments of the people, whether by direct or indirect legislation. As said in *Stevens v. Griffith*, 111 U. S. 48, 4 Sup. Ct. 283, 28 L. Ed. 348, any enactment to which the state gives the force of law, whether it has gone through the usual stages of legislative proceedings, or has been adopted in other modes of expressing the will of the sovereign power, is a statute of the state. By reason of this we are justified in including in the term Statutes, not only statutes proper and Constitutions, but also treaties, ordinances, governmental orders and regulations, and rules of court. It was also pointed out that law books may be divided into books of primary authority and books of secondary authority, and emphasis was laid on the fact that books of primary authority include only those that are the repositories of “the law”—that is, repositories of the statutory law and reports of decisions. We are now to take up a general description of the first of these classes of law books, namely, books of primary authority, and this chapter will be confined to the repositories of the Statutory Law.

§ 2. Constitutions—Federal

Copies of the Constitution of the United States, the fundamental law of the land, are easily obtained. Besides being published and distributed by the government, the federal Constitution is generally printed by the different states in connection with the compilations and revisions of their own constitutions and laws that appear every few years. Accurate copies of the Constitution of the United States, together with the amendments, may be found in all of the text-books and most of the books of selected cases on American Constitutional Law. The Compiled Statutes of the United States of 1901 contains the federal Constitution, each section and paragraph being annotated by reference to all decisions construing the same from the beginning to 1901. The Declaration of Independence, the Articles of Confederation, and the Ordinance of 1787 are also given in that publication. A well-annotated copy of the Constitution of the United States will also be found in "Federal Statutes Annotated," together with a historical sketch of the formation and growth of the Constitution.

§ 3. Same—State Constitutions

Fully annotated copies of state Constitutions are usually, though not always,¹ found in the latest collections of the statutes of the different states. The acts of Congress authorizing state government are also generally given in these compilations. In most states, copies of the Constitution may be obtained from the Secretary of State.

A standard compilation indispensable to any one who needs to examine the organic laws of the various states is the work of Ben: Perley Poore, entitled "Federal and State Constitutions." In this two-volume work, under each state the first organic law is given, whether the same be a royal charter, or treaty with a foreign power, or act of Congress establishing a territorial government, and then follow in order the Constitution or Constitutions of the state, and the amendments, if any.

§ 4. Same—History and Commentaries

The leading text-books bearing on the subject of the federal Constitution are Story on the Constitution of the United States, in two volumes; Tucker on the Constitution of the United States, in two volumes; the one-volume works of Pomeroy, Black, and Cooley on Constitutional Law. American Constitutional History is treated in the well-known masterpiece of Dr. H. von Holst, in eight volumes, and in Thorpe's Constitutional History of the United States, in three volumes. A leading work treating of the making

¹ The editor's attention has been called to one exception to this rule, but no other has been found.

of Constitutions is Jameson on Constitutional Conventions, while Judge Cooley's celebrated book entitled "Constitutional Limitations" treats of the effect of Constitutions after they have been adopted. The student of American constitutional history will also find Prof. John Fiske's "Critical Period" of primary interest.

§ 5. Treaties

The subject of treaties is, generally speaking, not very important in practice. Now and then, however, occurs a case which turns upon the provisions of some particular treaty, and the uninformed lawyer is likely to have difficulty in finding the information he desires.

All treaties made by the United States government may be found in the United States Statutes at Large, under the particular year and Congress when they were concluded. It is most inconvenient, however, to search through the numerous volumes and under the many alphabets of the Statutes at Large, and the student will do well to remember specifically the various compilations of treaties which have been prepared at different times, as follows:

All treaties made from 1776 to 1871 are printed in the Senate Executive Documents, 41st Congress, 3d Session, Doc. 36, Serial No. 1,441.

A complete collection of the treaties between the United States and foreign countries was published by the government in 1889 under the title "Treaties and Conventions Concluded Between the United States of America and Other Powers Since July 4th, 1776."

Another compilation of treaties between the United States and foreign powers was prepared under the resolution of the United States Senate of February 11, 1904. It contains the treaties and conventions, important international acts, agreements and protocols (except claim protocols), to which the United States is a party, in force on April 28, 1904.

The latest collection of Foreign Treaties was prepared and published by the government pursuant to a resolution of the United States Senate (Jan. 18, 1909, Resolution No. 262 of the 60th Congress, Second Session). It is by far the most complete and satisfactory collection thus far published. Its title is "The Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers." Dated, 1910.

The government has published under the title "Indian Affairs, Laws and Treaties, Compiled to December 1st, 1902," a valuable two-volume work, which contains an accurate compilation of all treaties, executive orders, and other matters relating to Indian affairs from the organization of the government to the date of publication. This work contains everything necessary to a proper understanding of Indian Legislation.

In addition to the publications of the treaties themselves by the government, the proper place to look for information as to the nature and grounds of the obligation, the power to make treaties, their duration, termination, construction, violation, etc., is in the standard text-books on international law and in the cases decided by the federal courts. The two-volume work of Mr. Charles Henry Butler, entitled "The Treaty-Making Power of the United States," should also be mentioned in this connection as a publication of value.

§ 6. Statutes

Within this term as here used are included only statutes proper—that is to say, the enactments of Congress and the various state Legislatures, although in a broader sense the term may also be regarded as including municipal ordinances, governmental orders and regulations, and even rules of court. The repositories of the statute law include the publications commonly designated as Session Laws, Compiled and Revised Statutes, and Codes.

As the statutory law of a state increases from year to year, it becomes difficult for legislative bodies and for the public in general to ascertain what laws have been enacted. The ignorance of members of Congress and of state Legislatures of pre-existing statutory law is much greater than is generally supposed, and often leads to serious blunders in making new laws. Laws that have been enacted by Congress and by the Legislatures of nearly every state in ignorance of already existing laws relating to the same matter bear evidence to the truth of this statement. As the accumulation of statutory law increases, the danger of blundering necessarily increases in proportion. After laws have been passed by legislative bodies, the work of interpreting and applying these enactments falls on the lawyer and on the court, and it is therefore a very important matter for the legal profession to be able to ascertain what statutory laws have been enacted, what amendments have been made, and what laws have been repealed. Uncertainty on these points is and can best be guarded against by compilation, revision, and codification.

Every law student and lawyer should be familiar with the latest code, compilation, or revision of the statutes of his own state and of the United States, and should be acquainted also with all the older compilations containing such statute law ever in force at any time within the jurisdiction in which he practices. These older statute books are important, for it is often necessary to refer to them to correct mistakes or omissions in more recent works, or to construe the later statutes in the light of older ones which have been repealed.

§ 7. Same—Session Laws

The laws enacted by the several legislative bodies are usually termed acts or statutes, and at the close of the session they are published in permanent volumes, and designated as session laws of the year in which the session of the Legislature took place, as, "Session Laws of 1905." In these publications each of the several acts is usually designated as a chapter. The act of April 10, 1905, for example, would then be referred to as "chapter — of the Session Laws of 1905." In some states these compilations of the session laws are designated as "Acts of Assembly," in others as "Blue Books," and in some instances as "Sheet Acts."

§ 8. Same—Compilations, Revisions, and Codes

The title given to the general compilations of the statutory law varies more or less among the states. These compilations are designated as Compiled Statutes, General Statutes, Public Statutes, Revised Statutes, Public Laws, Codes, etc. These terms have all been used so loosely that the real distinction between them has been lost sight of by most publishers, as well as by members of the profession. There may, however, be distinguished three more or less well-marked classes of general collections of the statutory law, namely, Compiled Statutes, Revised Statutes, and Codes.

(a) *Compiled Statutes*

The compilation of the statutes of a state is the bringing together and arranging in a methodical order of all the existing statutory law. A compilation in the proper sense does not include any revision or restatement of the law, or any re-enactment of the law in its compiled form.

(b) *Revised Statutes*

In a revision of the statutes, on the other hand, the statutory law is revised, collected, and arranged in order, and then re-enacted as a whole by the Legislature. As said in *Cortesy v. Territory*, 7 N. M. 89, 32 Pac. 504, a revision of the statutes implies a re-examination of them, and a restatement of the law in a corrected or improved form, though there may be no material change. A revision may, of course, even include new provisions. By the re-enactment of Revised Statutes the new form supersedes the old. With a compilation, on the other hand, the original statutes are the authoritative source, to be examined if any discrepancies exist between the two versions.

(c) *Codes*

A code is a complete system of positive law, scientifically arranged, and promulgated by legislative authority. A code is not only a collection of the existing statutory law, but also of much of

the unwritten law on any subject, and is composed partly of such materials as might be at hand from all sources—from statutes, cases, and from customs—supplemented by such amendments, alterations, and additions as are deemed by the codifiers necessary to harmonize and perfect the existing system. In fact, in making a code, new laws may be added and old laws repealed in order to constitute a complete system.

There are few terms in our system of jurisprudence that are applied to so many different things as the word "code." State Legislatures here and there have given the name indifferently to compilations of existing statutes, to consolidations of statute law into a more or less systematic form, and to revisions of the whole law, both written and unwritten, and the reduction of its principles to a clear, compact, and scientific enactment. The last is, speaking exactly, codification, properly so called.² A genuine code is a systematic and complete body of the substantive and adjective law of a state or country, comprising a restatement of the principles of the existing law, as found in statutes, enunciations of the courts, and abiding in the applicable common law (or civil law, when that prevails), and intended to suspend and supersede all other laws within its scope.³ We are in the habit of referring to many states as "code states," though as a matter of fact very few have complete codes. Among the few that have genuine codes may be mentioned California, Colorado, Idaho, Iowa, Montana, North Dakota, South Carolina, and South Dakota. A number of states have a part of the law codified—as, for example, those that have Codes of Civil Procedure or Penal Codes, and are therefore usually called "code states." To this class belong New York, Minnesota, Oklahoma, Texas, etc.

The distinctions between complete and partial codes, and between codes and revisions, is of little practical importance. It is the distinction between compilations, on the one hand, and codes and revisions on the other, that is fundamental; the essential point being that a compilation does not involve re-enactment by the Legislature of the statutes which it includes, the original acts of the Legislature being the ultimate authority as to the form of the statute. The reverse is true of a revision or code. Therefore, codification or revision of the statutes can be undertaken only by legislative authority, and the collected statutes take effect only on enactment of such collection; whereas a compilation may be undertaken without any legislative or other sanction, and must invariably depend for its value upon the accuracy and completeness with which it collects and sets forth the existing statutory law of the jurisdiction, and upon such special features as annotations, indexes, etc.

² Hepburn, *Development of Code Pleading*, c. 1.

³ Kerr, *A Word About Codes*, 42 *Am. Law Rev.* 910.

§ 9. Same—Federal Statutes

The enactments of Congress form the statutes of the United States. At the end of each session of Congress the government publishes in pamphlet form all bills that have been passed, arranged chronologically, together with treaties, concurrent resolutions, and proclamations of the President. These pamphlets are entitled "Statutes of the United States," and are commonly referred to as the "Pamphlet Laws." They are distributed by members of Congress to their constituents without charge.

(a) *Statutes at Large*

At the close of each Congress all the laws that have been passed during the entire term, the treaties, resolutions, and proclamations, are compiled from the Pamphlet Laws, and are republished in book form by the government, and are sold by the Superintendent of Public Documents. These books are known as the United States Statutes at Large, and contain the laws, treaties, resolutions, etc., of the several sessions—both regular and extra sessions—of each Congress. In recent years the Statutes at Large have been published in two volumes—one containing the general laws, and the other the laws of a private nature, treaties, executive proclamations, and joint resolutions.

(b) *Revised Statutes of the United States*

In 1874 it was enacted by Congress that the United States statutes, general and permanent in their nature, in force on the 1st day of December, 1873, should be compiled and published in one volume. This work was accomplished, and the book published in 1875 was entitled the "Revised Statutes of the United States." A few years later a second edition, known as the "Revised Statutes of 1878," was published.

From 1874 the matter contained in subsequent volumes of the Statutes at Large was collected and published in a series of supplements, which are practically a condensation of the Statutes at Large. As these supplements and the volumes of the Statutes at Large accumulated, the search to ascertain the law in force became laborious and uncertain, not only from the increasing number of volumes to be examined, but because many of the provisions in them had been repealed or superseded or amended by later provisions.

(c) *Compiled Statutes of the United States of 1901*

In 1901 the confusion and disorder was remedied, by the publication by private enterprise of a new three-volume compilation known as the Compiled Statutes of the United States of 1901, covering all the United States laws of a general nature from 1789 to the close of the Fifty-Sixth Congress, March 4, 1901. In prepar-

ing this compilation the editors found many proofs that the former complexity of bills passed was too much for Congress itself to unravel. They discovered that amendments had been made to laws that had been previously repealed; that amendments had been made that overlooked previous amendments; that new laws had been passed that re-enacted existing but forgotten laws, etc.

In this new compilation the laws are arranged by subject-matter, and it is only necessary to look in one place for the law on a given point. The arrangement and section numbering of the Revised Statutes of 1878 have been preserved, so that citations to that publication can readily be used. There is appended to each section a note showing the history of the section, the course of legislation on the subject subsequent to the Revised Statutes of 1878, with cross-references to similar or conflicting provisions in other places in the compilation.

Cumulative Supplements to the Compiled Statutes of the United States are published every two years. The latest Supplement published embraces the statutes of the United States of a general and permanent nature enacted since March 4, 1901, and in force March 5, 1911.

A new compilation of this set is now in course of preparation; the plan being that of the original Compiled Statutes of 1901. It will contain all the statutes in that set and in the cumulative supplement (excepting such provisions as have been repealed) and the subsequent acts of Congress down to and including the extra session of 1913.

(d) *Federal Statutes Annotated*

There is another compilation of the federal statutes, entitled the "Federal Statutes Annotated," published in ten volumes. In this compilation, the original arrangement of the Revised Statutes has not been followed; but the various acts have been arranged alphabetically according to their subject-matter. An index to the section numbers enables the investigator to locate a particular section in its proper volume and page. The important feature of the compilation is its thorough annotations attached to the various sections.

There are a number of supplements, the first bringing the compilation down to March 4, 1907. In 1909, another supplement was brought out, which cumulated the matter found in that of 1907. A further supplement has recently been published, which, while cumulative as to the annotations in the preceding supplements, does not cumulate the statute matter in such supplements; only new statutes from the close of the 1909 supplement to January 1, 1912, being included. The classification of the matter in this supplement corresponds to that of the original publication.

(e) Codification of the Federal Laws

By the act of June 4, 1897, a commission was created to revise and codify the criminal and penal laws of the United States. By the act of March 3, 1899, the duties of the commission were extended to include the revision and codification of the laws concerning the jurisdiction and procedure of the courts of the United States, including the judiciary act. Again, by the act of March 3, 1901, the duties of the commission were further extended by directing it to revise and codify all laws of the United States of a permanent and general nature.

This commission completed its labors on the Criminal and Penal Laws, and the new Criminal Code was enacted by Congress on March 4, 1909. It appears in Volume 35 of the Statutes at Large and is also to be found in the 1909 Cumulative Supplement to the Compiled Statutes. It is strictly a penal code, Congress not having enacted those sections which had to do with procedure, but left them to form a separate Code of Criminal Procedure.

(f) Judicial Code

Later on, the commission completed the new Judicial Code, which was submitted to Congress in the spring of 1911. Those chapters which have reference to procedure were not considered at that time, but the chapters dealing with the organization and jurisdiction of the courts were passed, and took effect January 1, 1912. The Judicial Code is published in Volume 36, Statutes at Large, and in the 1911 Supplement of the Compiled Statutes. By it the United States Circuit Courts are abolished and their jurisdiction transferred to the District Courts.

In 1909, the Revisory Commission completed its work of codification of the United States Statutory Law down to that time, its report occupying one large volume. Judging from the Criminal and Judicial Codes, it seems likely that Congress will consider the Code piecemeal rather than adopt it as a whole.

§ 10. Same—Ordinances and Government Orders and Regulations

Municipal ordinances, being in the nature of local statutes, are publications of primary authority. So, also, are the written executive and administrative orders and regulations drawn up and issued by the government, e. g., the army and navy regulations. These orders and regulations may not be law in the strictest sense, but they have the force of law, and when recognized by statute they become a part of the statutory law.

§ 11. Same—Rules of Court

Rules of court practice also come under the general head of primary authority. The rules of practice made by the United States courts are really a part of the statutory law of federal procedure, and therefore are of great importance. The treatises on Federal Practice and Procedure serve best to introduce the student to them, and most of these books attempt to set out the different rules to some extent; but it is impossible at the present time to obtain a complete set of the rules of the various United States courts. The rules of the several United States District Courts differ from each other, as do the rules of the various United States Circuit Courts of Appeals. It is true that the abolition of the Circuit Courts has done something to simplify the federal procedure by putting an end to the confusion that existed as to the District and Circuit Courts, but it has not obviated the differences between the rules of the different District Courts and the various Circuit Courts of Appeals. Even lawyers who devote their entire time to practice before the federal courts are often unable to give specific information as to the federal court rules, and most of them do not pretend to any compendious knowledge of what these rules really are. The usual practice is to "ask the clerk."

The jurisdiction of the United States courts, the method of procedure therein, their peculiar rules of decision, the removal of causes from state courts to federal courts—these and like matters form a very important part of federal law to the practitioner, and for many reasons should be familiar to even those lawyers who confine their practice to the courts of their own state.⁴

(a) Treatises on Federal Practice

The best elementary book on jurisdiction of and procedure in the federal courts is Mr. R. M. Hughes' "Handbook of Jurisdiction and Procedure in United States Courts." A recent treatise on the subject is Foster's Federal Practice, in three volumes, now in its fourth edition. This is a very scholarly and comprehensive work, covering all phases of the subject. Another recent work of great value is Street's Federal Equity Practice, in three volumes.

On the important subject of Removal of Causes the standard work of Judge Dillon became practically obsolete some years ago, owing to the radical changes in the law caused by the legislation of Congress, and the great accumulation of new cases under the act of 1887. This book was placed in the hands of Mr. Henry Campbell Black to be rewritten, and the work was completed and published in 1898 under the title of "Black's Dillon on Removal of Causes." Later a treatise was published by Mr. B. C. Moon. All existing text-books on Federal Procedure have, of course, been rendered at least partially useless by the passage of the Judicial

⁴ Reed, American Law Studies, § 923.

Code, but it is doubtful whether any new editions can be expected until the proposed Federal Codes of Civil and Criminal Procedure have been acted upon by Congress. These Codes, as prepared by the Commission for Revision of the Federal Statutes, will go far to simplify the Federal Procedure, and it is probable that all text-writers will await their passage before revising their books.

(b) *Rules of the State Courts*

Every lawyer should be provided with copies of the rules of the Supreme Court and of the trial and intermediate courts in force in his own state. In many states these rules can be obtained in pamphlet form, and in many instances can also be found in books on local state practice. Text-books treating of the law of a particular state are generally on some subject of practice, which is nearly everywhere the creature of the local law, and for that reason these books are sometimes of great importance to the local practitioner.

CHAPTER III

BOOKS OF PRIMARY AUTHORITY—REPORTS OF JUDICIAL DECISIONS—AMERICAN REPORTS

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§ 1. In General

The second great body of rules which go to make up "the law" consists of those rules which have their origin in judicial decisions—the Case Law of the country. When a case has been decided

upon its merits by a tribunal of last resort, the decision not only determines the rights of the parties to the action, but it also settles the principles involved, as permanent rules of law applicable in all future cases in the same jurisdiction embracing similar facts and involving the same or analogous principles, unless it has been overruled by a later decision, or unless, as Blackstone says, it is "flatly absurd and unjust."

A case decided is called a "precedent," and becomes at once public law, which, under many circumstances, binds a court to make the same decision in any future case similar to it. The rules of law which have been declared by the courts of England and America have become well known and generally acted upon. Lawyers can advise their clients with comparative safety, and the unwritten law, which otherwise would be vague, shifting, and changeable, becomes, by adherence to the maxim of *stare decisis*, certain and stable—the measure of private right and the landmark of property.

To insure this certainty and stability of the law, and to make it possible for the advocate and the judge to know the law, we must have reports of the decisions of the courts. Therefore the practice prevails in this country of having written opinions filed by the court, thus insuring accurate publication of the very words of the judges. The decision of a judge, constituting an authentic exposition and interpretation of the law, which is binding on every citizen, becomes part of the court record, and, as an enunciation of the law, is a public record and therefore public property, and free for publication by all.

The publication of written decisions tends to exactness and presupposes thorough consideration. It is the surest method of detecting a fallacy and uncovering an error, which might pass muster if the case is decided orally or is not made public. Publicity in the reason of the action of the court, as well as in its results, tends to exactness in fact and soundness in judgment. The published reasons and conclusions of a court of final resort are a restraint upon judicial tyranny, as well as judicial corruption.

We come, therefore, to the second division of our books of primary authority—the Reports of Judicial Decisions.

We are not concerned here with the weight to be assigned to decided cases as precedents (a question to which full consideration is given in the third part of this volume), but to the character and features of reports in general and of the more important publications in particular.

§ 2. Reporting Judicial Decisions

In the United States the reporting of judicial decisions has been carried on in various ways. It is common in most states to have a court reporter, appointed for the purpose by the court, and paid out of the public treasury. In some states the office is an elective one, and in one state the Supreme Court reporter is appointed by the public printer. In each state the decisions of the courts are published in separate series, and these sets of books, which are usually subsidized by the government, directly or indirectly, are called "official," to distinguish them from the reports of the same cases published by private enterprise. These official¹ reports of the different states vary greatly as to the style, form, accuracy, and completeness, according to the experience and ability of the particular reporter, and the plan or system under which the cases are published.

In America, as in England, there have been numerous non-official and nonsubsidized law reporting enterprises. In this country, where the decisions of every state are a matter of serious concern in every other, and the common law in every state is derived from the same source and is based on the same principles, the demand of the bar at large has been for years for a common plan of systematic law reporting, and a uniform system of headnotes and digests, that would enable the lawyers of the whole country to become familiar with the decisions of every part of it. Thus the success of the nonofficial law reporting enterprises in this country is due to the intrinsic merit of their work, and to the demand for a systematic and uniform plan of reporting at a low cost to the profession.

§ 3. Federal Reports

The Constitution of the United States provides that "the judicial power shall be vested in one Supreme Court, and such inferior courts as Congress may from time to time ordain and establish."

In 1789, immediately after the adoption of the Federal Constitution, the United States Circuit Courts and District Courts were established by Congress. The whole country was divided into districts, and the several districts grouped so as to form circuits. The number of districts was increased from time to time until in 1911 there existed 79 districts, forming 9 circuits.

Meantime, in 1891, the business of the United States Supreme Court had increased to such enormous proportions that the court could no longer dispose of it, being already several years behind

¹ See section 4 (b) below.

its docket. Accordingly in that year Congress passed an act establishing in each circuit a Circuit Court of Appeals, the purpose of which was to relieve the pressure on the Supreme Court.

The cases coming before these Circuit Courts of Appeals are mostly cases that would otherwise have come to the Supreme Court. Most of the decisions are final, but in some cases a further appeal lies to the Supreme Court.

As stated in Chapter II, § 9 (f), the Circuit Courts were abolished by the Judicial Code, and on January 1, 1912, they ceased to exist; their jurisdiction being transferred to the District Courts.

Accordingly we now have in our national judiciary system, first, the Supreme Court of the United States, established by the Constitution, and not subject to the control of Congress; and, second, the following tribunals established by Congress, and over which Congress has complete control—the United States Circuit Courts of Appeals, the United States District Courts, the Court of Claims, the territorial courts, and the courts of the District of Columbia.

In addition to these there are certain other courts established by Congress under the provisions of certain treaties, known as Consular Courts. Such courts exist in China, Japan, Siam, Egypt, Madagascar, Turkey, Persia, Tripoli, Tunis, Morocco, Muscat, Samoa, and Korea. [See U. S. Comp. St. 1901, § 4083.] By Act June 30, 1906, c. 3934, 34 Stat. 814 (U. S. Comp. St. Supp. 1907, p. 797), a United States Court for China was established. An appeal lies from the Consular Courts of China and Korea to this court.

(a) *United States Supreme Court Reports*

The reports of the decisions of the United States Supreme Court go back to the year 1790. From that date to 1874 there were 90 volumes published, and it is the custom to cite these volumes by the name of the particular court reporter under whose direction the books were issued. During that period of eighty-four years there were seven persons who acted in the capacity of United States Supreme Court reporter, and the names of these reporters have become very familiar to the American lawyer. The dates and numbers of volumes published under their direction are as follows:

	Date.	Vols.
Dallas' Reports.....	1790-1800	4
Cranch's Reports.....	1801-1815	9
Wheaton's Reports.....	1816-1827	12
Peters' Reports.....	1828-1842	16
Howard's Reports.....	1843-1860	24
Black's Reports.....	1861-1862	2
Wallace's Reports.....	1863-1874	23

Citations to these reports are so numerous that the reader will do well to memorize the names of the above court reporters in their chronological order.

The reports of Wallace are the last to be officially cited by the name of the court reporter. Beginning in 1875, with the term of the next reporter, whose name was Otto, the volumes of the United States Reports are designated and cited by number, beginning with volume 91, and continuing 92, 93, 94, etc., to the last volume issued to date. The official reports are now published first in advance parts, and later in bound volumes.

(b) *Same—Nonofficial Editions*

There are several other editions of the United States Supreme Court Reports. One of these, known as "Curtis' United States Supreme Court Decisions," covers the cases reported in 1 Dallas to 17 Howard in 22 books. This series is continued by "Miller's United States Supreme Court Decisions," covering 18 Howard to 2 Black, in 4 books.

(c) *Same—Lawyers' Edition*

The Lawyers' Edition of the United States Reports is published in "books," several volumes in a book. The series (which is annotated) begins with 1 Dallas, and continues to date, with advance sheets giving prompt reports of the current decisions.

(d) *Same—Supreme Court Reporter*

The United States Supreme Court Reporter is a part of the National Reporter System, a description of which will be given later. It begins with volume 106 of the United States Reports, and continues to date; one volume being published each year. In this series the decisions are first published in the form of advance sheets, during the term of court (from October to May); then the bound volume is published, containing in full the reports of all the cases decided during the year.

(e) *United States Circuit and District Court Reports*

Until 1880, the date when the Federal Reporter was established, the decisions of the United States Circuit and District Courts were not published in any systematic manner. If a decision was exceptionally noteworthy, it would probably in some manner find its way into some of the legal magazines of the time. If not, it would never be published at all.

There were various attempts made to publish a separate series of reports for each circuit, but this manner of reporting was not satisfactory to the profession, and after the establishment of the Federal Reporter, in 1880, one by one these different series of reports were discontinued.

(f) *Same—Federal Cases*

These early reports, published in separate series by circuit, before the establishment of the Federal Reporter, were not only incomplete, but they became difficult to obtain, and were very ex-

pensive; a full set costing about one thousand dollars. The demand for a complete and continuous series of the lower federal court decisions from the very beginning resulted in the publication of one of the most finished and satisfactory sets of legal reports ever printed—the Federal Cases. This series of thirty-one large volumes (including a digest) is an annotated reprint of all the decisions of the United States Circuit and District Courts from the earliest times to 1880, the date of the establishment of the Federal Reporter, with which it connects.

The Federal Cases contain some 18,000 cases, including all those reported in the 150 volumes of old Circuit and District Reports, and nearly 5,000 important decisions reported in legal periodicals, and about 1,800 cases reported only in manuscripts, and thus rescued from oblivion and made accessible to the profession for the first time. All the cases are arranged alphabetically by title and are numbered consecutively, making it a simple matter to find a decision, in whatever form it may be cited. In citing to the Federal Cases, it is customary to give the case number and title rather than the volume and page.

The Federal Cases are annotated by references under each paragraph of the headnotes showing in what subsequent decisions it has been cited. If the case has been carried into the United States Supreme Court on appeal, writ of error, or certiorari, that fact and the disposition of the case is shown. In many instances notes have been appended to the case showing the subsequent development of the law. So, too, historical notes are appended to those cases which have a special historical interest.

(g) *Same—Federal Reporter*

In 1880 the Federal Reporter was begun as one of the component parts of the National Reporter System. In this publication are to be found all published decisions of the United States Circuit Courts and United States District Courts, since 1880, thus connecting with and continuing the Federal Cases; so that, taken together, these two sets constitute a complete series of reports for the federal courts other than the Supreme Court. Most of the decisions thus reported are not to be found in any other publication. The Federal Reporter also reports all decisions of the United States Circuit Courts of Appeals from the organization of the court in 1891.

(h) *United States Circuit Courts of Appeals Reports*

Besides the reports of the decisions of the United States Circuit Courts of Appeals contained in the Federal Reporter, there is a separate series of reports reporting these decisions exclusively. This series is called the "Circuit Courts of Appeals Reports," and is cited as "C. C. A." It is still being published.

For a number of years the decisions of the United States Circuit

Courts of Appeals were also published in a series known as the "United States Appeals Reports," but in 1899, after 63 volumes had been published, the series was discontinued, and is now practically obsolete.

(i) *Miscellaneous Reports*

There are, in addition to the foregoing reports of the United States courts, a number of special series for particular courts.

The decisions of the Court of Claims are published by direction and authority of Congress in a special series covering that court alone.

The Commerce Court was reported in the Federal Reporter.

For the United States Court of Customs Appeals, special reports are issued by the Treasury Department.

The courts of the District of Columbia are covered by a series published locally by private enterprise.

The quasi-judicial reports of the proceedings of the Industrial Commission are published specially by the government, and under authority from Congress the decisions of the Interstate Commerce Commission are brought out in a special series.

There is no provision for reporting the decisions of the Consular Courts regularly, but occasional reports are brought out by the State Department.

§ 4. State Reports—Official Series

From very early times it has been the custom in each state to publish reports of the decisions of the appellate courts, and in some instances of other courts as well. In 1784 the Legislature of Connecticut passed an act requiring the judges of the Supreme Court of Errors and of the Superior Court to give in writing the reasons of their decisions, upon points of law, and lodge them with their respective clerks, with a view, as the statute expressly declares that the cases might be fully reported.

The first American state reports were those of Ephraim Kirby, who published, in 1789, a volume of reports of cases decided by the Superior Court of Connecticut, beginning with the year 1785. Though Mr. Kirby's Reports were the earliest publication of the kind, preceding the first Pennsylvania Reports—1 Dallas—by about a year, there are numerous cases reported in other states of date earlier than the Connecticut cases. The earliest American case of which we have any regular report is *Stone v. Boreman*, decided in 1658 in the Provincial Court of Maryland, and reported in 1 Harris & McHenry, 1.

In 1814 the Connecticut General Assembly passed an act authorizing the Supreme Court of Errors to appoint a reporter of their decisions. Under this act Mr. Thomas Day became the first official American court reporter.

In early times it was common to give the volumes of reports the name of the court reporter through whom they were issued—for example, "Day's Reports" (Connecticut), "Cushing's Reports" (Massachusetts), "Grattan's Reports" (Virginia). The names formerly applied are in most instances still retained locally for those particular volumes. For many years, however, it has been the custom in most states to designate the volumes of reports consecutively by number—for example, "145 Massachusetts," "93 Virginia."

(a) *Incompleteness of State Reports*

In most states all or most of the decisions of the appellate courts are reported in the series known as the "official" state reports. In Kentucky (until recently) and in Mississippi, however, the court designates the opinions to be published in the official volumes. Accordingly a large number of cases decided by these courts, being marked "Not to be officially reported," cannot be found in the regular state reports, but only in the nonofficial series—the National Reporter System. In Alabama a few cases are left out of the state reports. And in other states cases are occasionally designated by the court to be left out of the official volumes. Many cases decided in Pennsylvania do not appear in the state reports, though in recent years this practice has been changed. In New Jersey and Texas, however, a large number of cases are left unpublished each year. For example, the reports of New Jersey omit nearly seven hundred important cases, which, however, have been published in the first thirty-three volumes of the *Atlantic Reporter*; the reports of Pennsylvania omit over fifteen hundred cases that have been decided by the Supreme Court of that state, and these also are reported in the *Atlantic Reporter*; the reports of California omit over two thousand cases of the Supreme Court of that state, which are published in the *Pacific Reporter*; while the reports of Kentucky and Texas omit over four thousand and nine thousand cases, respectively, decided by the appellate courts in these states, and published in the *Southwestern Reporter*. If all the cases that have been omitted from the various official state reports, but that appear in the *Reporters*, were compiled and published as a separate series of state reports, the set would number between 250 and 300 volumes.

In some states, cases are not infrequently reported in the state reports as memorandum decisions, although opinions were in fact rendered and will be found reported in the National Reporter System.

In spite of omissions, the number of volumes of state reports has been rapidly increasing. There are now (September, 1912) approximately 8,000 volumes of state and federal reports. If to this we

add the number of nonofficial volumes, selected case series, and special series—duplications of the state and federal reports—the total number of volumes of reports of decisions is over 9,800, and about 260 volumes are being added to this total yearly.

(b) *Meaning of the Term "Official" as Applied to Law Reports*

Though it is the custom to speak of the state reports as "official," it must be remembered that in fact the actual decisions and opinions contained in the Reporter System, the various selected case series, and other reports of like kind, are just as "official" as the decisions and opinions in the so-called "official" reports. The copies of the opinions published in these "nonofficial" series of reports are obtained from the same sources and are just as authentic as the copies from which the "official" reports are made up. Consequently it may justly be said that all reports are in a sense "official," or that to use the term "official reports" as referring to any particular series of reports is a misnomer, for it is certainly misleading. The mere fact that each state authorizes or requires publication of reports of its Supreme Court decisions, and, to insure such publication, agrees to purchase a stated number of each volume of the reports, cannot be said to give such a series pre-eminence as an "official" publication.

Bearing in mind that the decision establishes the precedent, that the court record is the ultimate authority as to the rendition of that decision, and that the printed report is merely evidence of it, it will be perceived that nothing is added to the weight of a precedent by the fact that it is found in a so-called "official" report. The value of one set of reports, as compared with another, depends wholly on the accuracy, completeness, and reliability of the reports, and the skill, judgment, and learning of the reporter or editor. In early days, when written opinions were not filed and the report of a decision had to be made from hearing the argument and the deliverance of the judges, much depended on the opportunities which the regular reporter enjoyed to gain a full knowledge of the case and of the judgment; but at present, when practically all reports are founded on printed records and arguments, and the written opinions of the courts, this question is of no importance, and, as has been said, the value of a particular report will depend on its completeness, and on the judgment and ability of the reporter in stating the facts and pleadings and in making the syllabi or headnotes.

The relative standing and value of headnotes is a question of great importance. It is customary for the reporter or editor to add to the opinion of the court a statement of the case and a headnote or syllabus showing each point of law involved in the case.

Whether the person making these headnotes is an official appointed or elected, or an independent editor, the excellence of the headnotes and the accuracy of the statement of the case depend upon his personal ability and judgment.

It is obvious that headnotes cannot as a rule have any binding authority, for this is inherent only in the decision itself. They, like the index at the back of the volume, are only secondary authority. It is true that, in certain states, the judges are required by law to write headnotes for the cases they decide, and in a few states it is sought by statute to give these headnotes the force of law. In the absence of constitutional provisions on the subject, statutes giving to these judicial headnotes the force of law have been held invalid, because unconstitutional, and it must be remembered that under any circumstances they are no more binding outside of the jurisdiction of the court in question than any other headnotes would be.²

Of course, these headnotes prepared by the judges become a part of the court's record and are published in whatever set of reports the case appears, whether official or nonofficial. In the National Reporter System, and in the nonofficial series of reports generally, it is usually found necessary, in reporting cases for which the headnotes are prepared by the judges, to add extra headnotes, covering points on which these cases may reasonably be cited, but which the judges have not covered in their headnotes. Writing headnotes is an exceedingly difficult employment, requiring a peculiar ability, entirely distinct from that needed to make a good judge, and requiring also special training, coupled with wide editorial experience. It is not, properly speaking, a judicial duty, and it is therefore no reflection on the judiciary to say that very few judges write adequate headnotes.

While it is true that no system of reports is free from errors, the so-called official reports contain their share of errors, if not the larger proportion. It would, indeed, be strange if they did not contain more errors in proportion than the nonofficial reports. The official reports are seldom produced by persons especially trained in that line of work, and seldom pass through the hands of expert editors, verifiers, and the like. On the other hand, reports contained in the several nonofficial series are prepared by editors selected for their ability in that particular line of work, and specially trained in their duties. The reports contained in the National Reporter System, for example, are subjected before publication to the close examination of specially trained editors and

² For further discussion of the authority of "headnotes by the court," from a somewhat different point of view, see Chapter XX, § 6 (b).

verifiers, thus insuring a minimum of errors. It is a curious, but easily proved, fact that in almost every instance where a nonofficial report has been found to differ from the official report in any respect, a comparison with the records of the court has shown the nonofficial report to be the correct one.

§ 5. Nonofficial Reports

The bulk of American Case Law increased so rapidly that not even the lawyer of large means could afford to purchase for his own use the reports of all the different states. This led to the publication of several different series of nonofficial reports, varying in scope and plan. The most prominent of these are the National Reporter System and the various series of selected cases. There are also a number of series of special subject reports.

§ 6. Same—The National Reporter System

In 1879 a method of systematic nonofficial law reporting was inaugurated in this country, by the establishment of the first Reporter of the National Reporter System. The plan upon which this system of reporting is based is that of combining into one periodical publication the current Supreme Court reports of a group of neighboring states. This combination of reports of several states in one reporter made it possible to give out the decisions promptly on their filing, instead of its being necessary to hold them for a year, or perhaps for two or three years, in order to gather enough material in one jurisdiction for a bound volume. Moreover, the wide clientage secured by making each Reporter cover a group of states assured sufficient financial returns to make the subscription price very low. The System developed rapidly, and within a few years it evolved into a comprehensive enterprise for supplying the profession with current and systematic reports, all the decisions of federal and state courts of last resort, at a rate less than one-fourth their former cost.

The plan of prompt and economical publication, based upon a combination of courts for material, and the co-operation of the lawyers of several states for support, was extended until, in January, 1887, the seven so-called State Reporters, each covering a group of neighboring states, formed together a National Reporter System, which embraces the courts of last resort of all the states, together with two other Reporters covering all the federal courts, and the New York Supplement covering the Supreme and lower courts of record of New York. This flexible arrangement enabled a subscriber to take, if he wished, simply the Reporter which included his own state, or, if he wished, to extend his subscriptions so as to include other parts of the System or the entire System.

(a) *Reporters Included in the System*

The component parts of the National Reporter System, together with the courts and jurisdictions embraced in each Reporter, are as follows:

The Northwestern Reporter, established in 1879, reporting in full the decisions of the courts of last resort of Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Dakota, North and South Dakota.

The Pacific Reporter, established in 1883, reporting in full the decisions of the courts of last resort of California, Colorado, Idaho, Oregon, Montana, Nevada, New Mexico, Kansas, Oklahoma, Arizona, Utah, Washington, and Wyoming, and the intermediate appellate courts existing in California, Colorado, Kansas, and Oklahoma.

The Northeastern Reporter, established in 1885, reporting in full the decisions of the courts of last resort of New York, Massachusetts, Ohio, Illinois, and Indiana, and the intermediate Appellate Court in Indiana.

The Atlantic Reporter established in 1885, reporting in full the decisions of the courts of last resort of Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, and Maryland.

The Southwestern Reporter, established in 1886, reporting in full the decisions of the courts of last resort of Missouri, Arkansas, Indian Territory, Texas, Kentucky, and Tennessee, and intermediate courts existing in Missouri and Texas.

The Southeastern Reporter established in 1887, reporting in full the decisions of the courts of last resort of Virginia, West Virginia, North Carolina, South Carolina, and Georgia, and the intermediate Court of Appeals of Georgia.

The Southern Reporter, established in 1887, reporting in full the decisions of the courts of last resort of Alabama, Florida, Louisiana, and Mississippi.

The other three Reporters, which complete the System, are as follows:

The New York Supplement, established in 1888, reporting in full the decisions of the Supreme Court and lower courts of record of the state of New York.

The Supreme Court Reporter, established in 1882, reporting in full the decisions of the Supreme Court of the United States.³

The Federal Reporter, established in 1880, reporting in full the decisions of the United States Circuit and District Courts since that date and of the Circuit Courts of Appeals since their establishment in 1891.⁴

³ See section 3 (d), above.

⁴ See section 3 (g), above.

On pages 38, 39 of this chapter will be found a table showing what jurisdictions are covered by each of the Reporters, the date from which it has covered each jurisdiction, and the first volume of each state or other local series of reports which it duplicates. The reader is also referred to Chapter 3 of the Appendix.

(b) *General Description*

Taken together, the New York Supplement and seven State Reporters of the System supply in about 41 volumes per annum matter which makes 175 volumes of state reports, all cases being published in which there is a written opinion. But, as already mentioned, the Reporters contain also many cases wholly omitted from the state reports and many cases which appear in the state reports merely as memorandum decisions; that is to say, many cases which are not reported in full in the state reports are given in full in the Reporters. The annual volume of the Supreme Court Reporter corresponds to about four volumes of the United States Reports, and currently there are about nine per year of the Federal.

The back volumes of the National Reporter System make a complete report of American case law from the time the System was established. By actual count, the number of cases included to June 1, 1912, was 592,596. The total number of cases before the time of the Reporter System is 364,222, so that at the date just named the Reporters made available nearly two-thirds of all American cases from the beginning; and these, being the latest cases, include the authorities most frequently needed and cited. About 23,000 cases are being added each year.

The Reporters are published in two editions—first in pamphlet form, as advance sheets, and later in bound volumes. Before the cases are printed in the permanent, bound edition, the judges very generally revise their opinions, correcting any errors that may have occurred in the first report. This insures the greatest possible accuracy in the permanent reports.

It may not come amiss to remark that the National Reporter System is usually spoken of as the "Reporters," and one of the component parts of that system is in like manner spoken of as a "Reporter." Wherever, in this or the succeeding chapters of this work, the word is used with a capital, it refers to one or more of the parts of the National Reporter System. When the word "reporter" is used without capitalization, it refers to the person who reports or edits the cases in any series of reports to which reference is being made.

(c) *Scope of Reporters*

The Reporters cover all cases reported in the state reports after and including the volumes and dates given below:

REPORTER.	EARLIEST VOL. OF STATE REPORTS COVERED.	DATE OF EARLIEST CASE.
Atlantic Reporter.	53 Conn. 6 Del. Ch. 7 Houst. (Del.) 1 Marv. (Del.) 1 Penn. (Del.) 78 Maine. 64 Md. 64 N. H. 48 N. J. Law. 41 N. J. Eq. 110 Pa. 15 R. I. 58 Vt.	May 4, 1885. } July 22, 1886. } Aug. 6, 1885. June 23, 1885. March 12, 1886. Nov., 1885. Oct., 1885. May 11, 1885. April 4, 1885. Nov. 23, 1885.
Northeastern Reporter.	114 Ill. 102 Ind. 1 Ind. App. 139 Mass. 99 N. Y. 43 Ohio St.	May 15, 1885. March 11, 1885. March 31, 1891. Nov. 5, 1884. April 14, 1885. Feb. 24, 1885.
Northwestern Reporter.	1 Dak. 51 Iowa. 41 Mich. 26 Minn. 9 Neb. 1 Neb. Unoff. 1 N. Dak. 1 S. Dak. 46 Wis.	Dec. Term, 1867. Dec. 5, 1878. June 11, 1879. March 20, 1879. Jan., 1879. Organiz'n of Com. Jan. Term, 1890. March 1, 1890. Jan. 7, 1879.
Pacific Reporter.	1 Ariz. 64 Cal. 1 Cal. App. 7 Colo. 1 Colo. App. 2 Idaho. 30 Kan. 1 Kan. App. 4 Mont. 17 Nev. 3 N. M. 1 Okl. 1 Okl. Cr. R. 11 Or. 3 Utah. 1 Wash. St. 2 Wash. T. 3 Wyo.	Jan., 1871. July 2, 1883. Organiz'n of Cts. Dec., 1883. June 23, 1891. Sept., 1881. May 3, 1883. March 19, 1895. Jan. 7, 1881. Jan. Term, 1882. March 21, 1883. June 24, 1890. Organiz'n of Cts. March, 1883. Jan., 1881. July, 1889. July, 1880. April 11, 1883.

REPORTER.	EARLIEST VOL. OF STATE REPORTS COVERED.	DATE OF EARLIEST CASE.
Southeastern Reporter.	79 Ga. 1 Ga. App. 96 N. Car. 26 S. Car. 83 Va. 29 W. Va.	Jan. 1, 1887. Organiz'n of Ct. Jan. 1, 1887. April Term, 1886. Jan. 1, 1887. Oct. 30, 1886.
Southern Reporter.	81 Ala. 23 Fla. 39 La. Ann. 64 Miss.	Dec. Term, 1886. Jan. 1, 1887. Jan. 1, 1887. Oct., 1886.
Southwestern Reporter.	47 Ark. 1 Ind. T. 85 Ky. 8 Ky. Law Rep. 89 Mo. 94 Mo. App. 85 Tenn. 66 Tex. 21 Tex. App. 31 Tex. Cr. R. 1 Tex. Civ. App.	Nov. Term, 1885. Organiz'n of Cts. June 1, 1886. Aug. 2, 1886. April Term, 1886. April 23, 1902. Oct. 20, 1886. March 23, 1886. March 7, 1886. Organiz'n of Ct. Organiz'n of Cts.
Federal Reporter.	1 C. C. A. 1 U. S. App. U. S. Cir. & Dist. Cts.	Organiz'n of Cts. March 1, 1880.
Supreme Court Reporter.	106 U. S.	Oct. Term, 1882.
New York Supp. Reporter.	23 Abb. N. C. 1 App. Div. 16 Civ. Proc. 1 Con. Sur. 1 Gibbons' Sur. 1 Power, Sur. 15 Daly. 49 Hun. 1 N. Y. Ann. Cas. 1 Misc. 7 N. Y. Cr. R. 56 N. Y. Super. Ct. 1 Silvernail.	May 1, 1888.

(d) *Promptness of Reporting*

One of the most important characteristics of the National Reporter System is the promptness of the publication of decisions. Whereas almost all the official reports are from five months to five years behind in the publication of decisions, the Reporter System

publishes decisions in from two to five weeks after they are handed down. This result is attained by the system of combining in one volume the reports of several states and of issuing weekly advance sheets of volumes. Containing, as it does, every decision, the Reporter System, by reason of this promptness of publication, gives the lawyer and brief maker access to the very latest precedents in his own or any other state.

(e) *Harmonizing Decisions*

By reason of the fact that the reports of the whole country are published in a single system, it became possible to adopt a common system of headnotes, and a general, uniform plan of reporting. One important effect of this system of reports, that has resulted in much benefit to the body of American jurisprudence, has been the harmonizing of decisions. Before its day, when decisions from other jurisdictions were difficult of access, each court stood in a great measure by itself, and as a consequence there were many conflicting opinions, arising largely from the inability to know all the precedents. The Reporters, by making the latest decisions from the whole country easily accessible to every judge as well as to the bar at large, has assisted greatly in reducing this conflict. In the words of Judge James H. Rothrock, of the Supreme Court of Iowa, "the National Reporter System enables the courts of last resort in all the states to harmonize the law, and thus prevent, in a great degree, conflicting decisions upon doubtful questions."

(f) *Method of Annotation*

Another feature of the National Reporter System that makes it very valuable to the brief maker is the method of annotating the cases. Since May, 1902, all the important cases have been annotated by references to the places in the Century Digest where other cases involving the same principles will be found. Since November, 1908, every point in every case has been annotated by references to the places in the Decennial Digest and the Century Digest, where similar cases will be found. As the section numbers in the Decennial Digest and the subsequent volumes of the American Digest are identical, the reference to the Decennial Digest is in effect a perpetual annotation—an annotation to all future cases, as well as to all past cases.⁵

For example, let us take a paragraph from the headnote to *Mas- sie v. Cessna*, 88 N. E. 152, a case involving the constitutionality of an Illinois statute relating to the assignment of wages, in which, among other contentions, it was urged that the act in question was

⁵ The uniformity of section numbers under the Standard Digest Classification is explained generally in Chapter V, § 8, and more fully in connection with the use of Digests and Reporters in Chapter VIII and Chapter X. With specific reference to the Reporter annotations, see Chapter XI, §§ 7-9.

within the police power of the state. The headnote in the Reporter is as follows:

CONSTITUTIONAL LAW (§ 81) — "POLICE POWER."

The laws which the Legislature may enact in the exercise of the "police power" are those which have a tendency to promote the public comfort, health, safety, morals, or welfare, or to prevent some recognized evil.

[Ed. Note.—For other cases, see Constitutional Law, Cent. Dig. § 148; Dec. Dig. § 81.

For other definitions, see Words and Phrases, vol. 6, pp. 5424-5438; vol. 8, p. 7756.]

In the first place it will be noticed that the "Editorial Note" (Ed. Note) calls attention to the place where similar decisions may be found in the Century Digest and in the Decennial Digest. It also calls attention to the place where definitions of the term "police power" may be found in "Words and Phrases." The Editorial Note, therefore, annotates this decision to all the past decisions, not merely in Illinois, but in all other jurisdictions.

[The books mentioned in the foregoing paragraphs, viz., the Century Digest, Decennial Digest, American Digest, and "Words and Phrases" will be described when we come to discuss books of secondary authority.]

(g) *The Key-Number*

But the paragraph is also annotated to all future decisions involving the same principle. It will be noticed that the first catchword, "Constitutional Law," is the topic in which this paragraph will be digested in the American Digest System. Following the topic title is the number of the particular section of the topic in which it will appear, namely, (§ 81). Now, as the section numbers are fixed, any cases decided subsequent to the date of this decision, and involving the principle enunciated in this paragraph applied to similar or analogous facts, will also be digested in "Constitutional Law, § 81."

The section number thus affixed to the first catchword of the headnote paragraph is a "key-number," unlocking the door to all future and past decisions involving a similar principle. The various methods by which the annotations in the Reporter System, and especially the "key-number," can be used to assist the brief maker in his search for authorities, will be fully explained in a subsequent chapter.⁶

⁶ See Chapter XI, §§ 7-9. It is hardly to be expected that the reader will appreciate fully the significance of the annotations at this point, since it requires a knowledge of what is meant by the identity of section numbers and by the Standard Classification. For the present, it will be sufficient to remember what has been said above, and the results pointed out—namely, that these annotations make it possible to find easily and by a simple mechanical process, all cases in point, whether decided before or since the case annotated.

(h) *Index-Digests and Search Books*

The use of the National Reporter System is greatly facilitated for the brief maker by special digests, tables of cases, indexes, and other features which will be described in their proper place. Some of these are peculiar to the Reporters, while others are common to many or all series of reports.

§ 7. Same—Selected Cases

In addition to the State Reports, which report by far the greater number of the decisions of the appellate courts of the various states, and the National Reporter System, which reports all decisions since it was established, there are certain selected case series deserving of special notice.

These series are based upon the theory of selecting the cases which are of general value to the profession generally throughout the country. Each series reports annually from 800 to 1,200 of the 23,000 cases decided during the year, or from four to five per cent. of the output of the appellate courts.

The plan followed is essentially the same in all series.

(1) To select cases of general importance or interest, with the object of giving a fair representation of the American case law as a whole.

(2) To report each case in full in the usual way, with headnotes, etc., except that questions of local practice are usually omitted, if possible. Synopses of briefs by counsel are sometimes included.

(3) To annotate the cases thus reported in the manner explained below in § 7 (e) of this chapter.

This being the general plan of the selected case series, we may now note the following facts regarding the several series.

(a) *The Lawyers' Reports Annotated* (L. R. A.)

Publication of this series was begun in 1887, four volumes being published each year, each of which contained approximately 170 cases. When, in 1906, the set had reached its 70th volume, it was discontinued, and a second series, known as L. R. A. New Series, was begun. At the same time, the number of volumes was increased to six per annum and the number of cases per volume to about 200, so that this series is now reporting currently about 1,200 cases per year.⁷ On October 1, 1913, the New Series had reached its 43d volume. In both the Old and the New Series, cases are chosen from the lower federal as well as the state decisions. Both in the reports and in the annotations, parallel citations [see Chapter VI, § 7 (d)] to the National Reporter System and to the State Reports are given.

⁷ A careful count shows the total number of cases in 1-70 L. R. A. as 12,060, and in 1-43 L. R. A. New Series as 9,286, so that, to date of writing, these series have reported 21,346 cases.

An "Extra Annotated" Edition of L. R. A. was published a few years ago. The extra annotations in this edition consist of L. R. A. Cases as Authorities, the notes for the respective volumes being included at the back of the volumes of the reports themselves. Thus the L. R. A. Cases as Authorities covering Volume 1 of L. R. A. are inserted at the back of Volume 1 in the "Extra Annotated" Edition as a sort of appendix to that volume. The same thing is done for Volume 2, etc.

(b) *The Trinity Series*

This is the collective title given by the publishers to a group of three distinct, but connecting, series of selected cases, as follows:

(1) American Decisions, consisting of 100 volumes of cases decided by the various state courts from 1760 to 1869, inclusive. This series contains reports of 15,826 cases, or about 158 cases per volume.

(2) The American Reports, being a similar set of 60 volumes, containing cases decided during the period from 1870 to 1887. This second series reports a total of 9,329 cases, or an average of 155 cases per volume.

(3) The American State Reports (begun almost simultaneously with the Lawyers' Reports Annotated), published originally at the rate of four volumes, but later at six volumes, per year, from 1888 to 1912, and including 140 volumes in all, containing a total of 20,497 cases, or about 152 cases per volume.

Like L. R. A., the American State Reports contain parallel citations to the State Reports and the National Reporter System, though the two earlier series contain the parallel citations to the state reports only. But, unlike L. R. A., all three series confine themselves to decisions of the state courts, no case being reported until after it had appeared in the official series.

(c) *The American and English Annotated Cases*

This series was begun in 1906, the original intention being to publish cases of value taken from the American, Canadian, and English Reports. However, it being an American series, it is natural that the cases included were chosen chiefly from the American Reports, and the English and Canadian cases constitute only a small percentage of the total number reported. It should be noted that decisions are chosen from the United States federal as well as from the state courts.⁸

⁸ The total number of cases reported in the American and English Annotated Cases (21 volumes) is 5,165 or 246 per volume. These were selected as follows:

American Cases (State Courts).....	4,583
" " (Federal Courts)	320
English Cases	151
Canadian Cases.....	111
Total	5,165

(d) *The American Annotated Cases*

In 1912 the publishers of the American State Reports and of the American and English Annotated Cases ceased publication of their respective series, and at the same time united in the publication of a new series designed to supplement and continue either or both of the pre-existing sets.⁹

Several volumes have already been published, containing each about 235 cases. It is understood that the plan is to bring out five volumes per year. They are cited as "Ann. Cas. 1912A," "Ann. Cas. 1912B," etc., after the former manner of current digests.

The cases are chosen from the American state and federal courts, a small percentage of English and Canadian cases also being included. The method of annotation to be pursued is essentially that of other selected case series.

(e) *Method of Annotation*

The scheme of annotation, while varying in detail from time to time, is essentially the same in the different series of selected cases. It follows the time-honored plan of adding to the report of a decision, in the form of footnotes appended thereto, citations of other cases similar or analogous to the case annotated, and, often, of including therewith a general statement of the particular narrow rule of law involved. In many instances a brief statement of the facts of a cited case is given. Often, also, the editor adds a short original statement of the broad general rule governing the main case, and even of its chief modifications.

The reader's attention may now be directed to the character of the notes in the various series.

(1) *Lawyers' Reports Annotated.*

The original series (1-70 L. R. A.) contains the reports of approximately 12,000 cases. Annotations have been appended to about one-fifth of these cases, and to a number of those cases which are not annotated have been attached cross-references or footnotes to annotated cases. To avoid misconception regarding the character of the notes, it must be observed that they divide themselves into at least two classes. On page 1 of the "Index to Notes, 1-70 L. R. A." (a subsidiary publication prepared some time after the series was completed and belonging to a class of search books explained hereafter)¹⁰ we find the following prefatory explanation: "Each note, whether long or short, is intended to exhaust all previous authorities on its subject, except when it is marked with a star. The star indicates

⁹ To avoid confusion, it should be noted that those copies of the new series which have been shipped to serve as continuations of the American and English Annotated Cases bear the label of that series, so that the subscribers' sets may remain uniform in binding and appearance.

¹⁰ See Chapter VI, §§ 4 (b), 4 (c), and 5, and Chapter XIV, § 4.

that the note, however extensive or complete it may be, does not purport to have been made under the present and imperative rule which requires absolute exhaustiveness in each subject note." The reader will note that the distinction drawn between the two classes of notes is not as to length (for that depends primarily on the number of cases which have arisen upon the subject of the note) but as to exhaustiveness.

Any note which is not starred in the Index is designed to include all cases on the point covered that had been decided by the courts prior to the date when the note was compiled. On the other hand, no note that is starred in the Index purports to be exhaustive—i. e., to cover all authorities decided prior to the date of its publication. A brief maker, consulting a note in L. R. A., can ascertain whether such note is or is not exhaustive by referring to the Index to Notes and finding whether the reference to his note is or is not starred.¹²

Turning, now, to the notes in L. R. A. New Series, we find that, unlike the old series, every case reported bears an annotation. In this series the notes fall into three classes: (1) "Subject Notes"; (2) "Case Notes"; and (3) "Notes"—each note in Volumes 1-25 of the New Series being labeled in one of these three ways.¹³

Every volume of the New Series contains a number of Subject Notes, which are in effect small digests, each covering (down to date of publication) the sub-topic of the law to which the point annotated in the main case relates, or of which it may be regarded as illustrative. In these notes the collection of paragraphs which forms the body of the note is usually preceded by a brief editorial statement of the rule involved and at the very beginning of the note is a logical "analysis" of the Subject Note.

To illustrate, let the reader turn to the case of *Whitehouse v. Jones*, reported in 12 L. R. A. (N. S.) 49, the case selected by the publishers of that series to be included in the Reference Book (p. 43) to illustrate their method of annotation. It will be observed that the note to this case is described as a Subject Note. The text of it is preceded by what we have referred to as a digest analysis of the contents. The (1) analysis is followed by (2) a brief introductory statement as to the general principles of which the main case is illustrative, (3) a statement of the scope of the note—i. e., what is included and what is excluded—of the same character as a scope note in a digest, and (4) a series of paragraphs consisting

¹² This statement applies to the "Index to Notes in 1-70 L. R. A." In the new index, covering 1-70 L. R. A. and 1-42 L. R. A., New Series, the stars are not included.

¹³ Though the notes in later volumes are not so labeled, the searcher can distinguish more or less readily to which class each note belongs by the character of the note itself.

of statements of the law, and, occasionally, some indication of the facts in cases falling within that scope.

The scope of this subject note is far broader than the point of the main case to which it is appended. That is, the scope of the note is so broad that many of the cases which properly come within it cannot be said to be in point as to fact with the main case, while the note also includes cases which are in point. In fact, the whole annotation is a small digest of cases involving the jurisdiction of equity to quiet title.¹⁴

We may now turn our attention to the Case Notes in the New Series (and the starred notes in the original series, which appear to be of the same character and scope as the Case Notes, neither undertaking to be exhaustive). These notes consist of a series of paragraphs covering cases upon a particular narrow point of the main case that is annotated. In the longer notes of this class the number of cases cited is such as to require grouping into divisions. A specimen of the Case Note will be found attached to the L. R. A. report of the case of *Lyttle v. Denny*, which appears in the Reference Book, p. 39.

As already pointed out, there is in L. R. A. (N. S.) a third class of notes labeled simply "Note." They consist simply of cross-references attached to cases that are not otherwise annotated, and refer the searcher to one or more of the other cases in L. R. A. which are themselves annotated either by a case note or a subject note. Occasionally a note simply states that the editors have not been able to locate any case in point with the main case, which therefore appears to be one of first impression.

(2) American Decisions, American Reports, American State Reports, and American Annotated Cases. The regular¹⁵ notes in these cases are of about the same character throughout all the successive series. They appear to be all of about the same kind, and, unlike the notes in L. R. A., do not fall into distinct classes. Careful comparison of notes of these series with notes on the same subjects attached to the same cases in L. R. A. indicates that the notes

¹⁴ The character of these annotations is also considered in Chapter XIV, §§ 4 and 5, where its effect upon the methods of search in using L. R. A. is carefully explained.

¹⁵ Many of the cases in the American State Reports, etc., are accompanied by notes similar to the "Notes" in L. R. A. New Series—that is, they are cross-references (and not annotations in the proper sense of the term) which refer the investigator to other notes or cases upon the subject in question, to be found elsewhere in the same or a preceding series. The majority of notes in the Trinity Series belong to this class of cross-reference notes. By the "regular notes" referred to in the text above are meant those notes which, composed of matter of the same character as the Case Notes in L. R. A., correspond to such notes and are annotations in the strict sense of the term. These regular notes vary greatly in length, some of them being preceded, like the L. R. A. "Subject Notes," by an analysis similar to the analysis of a digest topic.

in the former are of the same character and scope as the Case Notes in L. R. A. (N. S.). Therefore, although they vary slightly in form and style, no detailed description of them appears to be necessary here.

(f) *Character and Authority of Annotations in General*

The question now arises: "What is the character of that material which constitutes the body of a Selected Case Series Note?" This is an important point upon which some misapprehension has existed. While in the form of text similar to that of a text-book, the material of which the note is made is digest matter. That is to say, it is composed of paragraphs (similar to digest paragraphs, not only as to contents, but as to source and mode of preparation), each of which is an abstract or digest of a particular point of a particular case cited. In some instances, the facts of the case are indicated; but more often the editor has confined himself to giving a statement, in general form, of the narrow rule of law applied in the case. The various paragraphs are grouped under a logical analysis, so as to form a consecutive outline of the law, and to render the citations accessible.

From the foregoing discussion, it will be seen that the purpose of annotations to reported cases, or, for that matter, any annotation, is to facilitate the search for authorities which are in point, both as to the law and as to the facts. In other words, they are designed to enable the brief writer to find the cases, and so far as practicable all cases, in point with his own case, in order that he may select therefrom those which are directly in point as to fact. It is not within the scope or design of annotations of any sort to go into abstract discussion of the law or of legal principle. For that one must look to the more elaborate text-books known as treatises, discussed in Chapter V, § 3 (a). Annotations to cases fully justify their existence when, like a digest or encyclopædia, they make accessible the reservoirs of the case law. As a means of finding cases in point, annotations of all sorts serve an important and useful purpose, and are properly held in esteem by the profession. The actual use of them is discussed in the second part of this volume.¹⁶

(g) *Digests*

Like other sets of reports, each series of selected cases has its special digests of the cases which it reports.¹⁷

(h) *Search Books*

In connection with each series, there are issued special aids of various sorts, such as tables of parallel citations, citators, etc., which supplement their usefulness. These subsidiary publications

¹⁶ See Chapter XIV.

¹⁷ See Chapter V, § 9, and Chapter XIV, §§ 2, 3, and 5.

are considered under their proper place under "search books" in Chapter VI.

(i) *Authority of Selected Case Series*

Selected Case Series are, so far as the reporting of cases is concerned, books of primary authority, like other reports, because they consist of the decisions of the courts, to report which is their chief purpose. But, like other books of primary authority, they include much valuable matter that is only secondary. Indexes and headnotes are at most merely secondary authority in any set of reports, and when an index does not amount to a summary of the contents of the cases reported, it is, of course, simply a search book.

Annotations may be secondary authority or search books. If they contain text matter summarizing or explaining the law, they are the former. Thus, the Subject Notes and Case Notes in L. R. A. mentioned above are secondary authority, like text-books and digests. On the other hand, a note which simply cites cases is search book material.

However, it is desirable to treat of annotations to reports collectively. We may disregard this distinction, and refer to them hereafter as secondary authority, simply remembering that the distinction does exist.¹⁸

§ 8. Same—Special Reports

There is still another class of nonofficial reports, the purpose of which is to report cases pertaining to some special subject or branch of the law, such as insurance cases, corporation cases, electrical cases, etc. Besides the subjects mentioned, there are special series of reports covering bankruptcy cases, patent cases, banking cases, railway cases, negligence cases, probate cases, mining cases, street railway cases, municipal corporation cases, and criminal cases. There are altogether about 20 different series of these special subject reports, comprising about 380 volumes. For some of these series, digests and general tables of cases have been published for the purpose of rendering the material contained in them more accessible. A list of these special reports will be found in Chapter 2 of the Appendix, and a list of the miscellaneous or special digests is given in Appendix, Chapter 6, List (f).

§ 9. Same—Miscellaneous Nonofficial Reports

There are numerous nonofficial reports of lower courts of record that are sometimes cited even in other jurisdictions. The most important of these are the reports of the New York, Ohio, and Pennsylvania lower courts of record (the last named usually being referred to as the "Pennsylvania Side Reports"). In some instances these courts, though not so designated in their titles, are

¹⁸ See Chapter V, § 11, and Chapter VI, § 4.

nevertheless intermediate appellate courts. These reports are specifically mentioned under several states following the lists of official reports in Chapter 2 of the Appendix. The reader has already been referred to the list of Supreme and intermediate Appellate Courts in Chapter 7 of the Appendix.

§ 10. Quasi-Legal Reports

In many of the states there exist commissions of a quasi-judicial character. Such are some of the State Railway Commissions, which have jurisdiction over disputes regarding railway rates, an appeal lying from them to the state courts.

The decisions of such commissions are usually reported by authority and at the expense of the state governments in much the same manner as the decisions of the courts. They are not authority, however, and should not be cited as such. They are mentioned merely because they are likely to be of interest and value to any lawyer whose case involves questions of the regulation of railways, which in recent years have attracted so much public attention.

§ 11. Citation of Reports

As lawyers are constantly referring to decided cases and citing them as authority, reference to the reports is almost invariably made by an abbreviated title. For example, "Reed v. Boardman, 20 Pick. 441," directs the reader to the case of Reed v. Boardman, at page 441 of volume 20 of Pickering's Reports of the decisions of the Supreme Court of Massachusetts. "Nichols v. Peck, 39 Atl. 803," directs the reader to page 803 of volume 39 Atlantic Reporter. Any one who uses law books will find it necessary to know the abbreviations applied to such reports and legal publications as are most frequently used in his own jurisdiction.¹⁹

Though all state reports are now cited by the name of the state, in the early days citation by the name of the reporter was common. And even some reports which are now cited by the name of the state were at one time cited by the reporter's name. For example, the Arkansas Reports are now invariably cited by the name of the state, but until comparatively recent times volumes 6 to 13 Arkansas, were generally cited as 1 to 8 Eng.; the name of the reporter being English. So the early volumes of the Illinois Reports and the New York Court of Appeals Reports were usually cited by the name of the reporter, though the custom now is to cite them by the name of the state. In New York, Keyes' Reports are sometimes cited as 40*, 41*, 42*, and 43* N. Y. Haywood's Tennessee Reports, if cited by the name of the reporter, are 3, 4, and 5 Hayw. Haywood was formerly a resident of North Carolina, and

¹⁹ A list of abbreviations will be found in Chapter 10 of the Appendix.

1 and 2 Hayw. are North Carolina Reports. He emigrated to Tennessee, became a judge of the Supreme Court after the admission of Tennessee into the Union, and reported the decisions of the court in the three volumes now known as 3, 4, and 5 Hayw.

§ 12. Knowledge of the Reports

Every lawyer and student should be thoroughly familiar with the system of reports in his own state, with the Federal Reports, with the various Reporters of the National Reporter System and with the various Selected Case Series. He should as far as possible know the period covered by each set of these reports and the mode of citation. These facts are not difficult to memorize, and will prove to be of valuable assistance to him in the actual work of his profession.

CHAPTER IV

BOOKS OF PRIMARY AUTHORITY—REPORTS OF JUDICIAL DECISIONS—ENGLISH REPORTS

- § 1. Introduction—English Decisions as Authority.
2. English Courts.
 - (a) Appellate Courts.
 - (b) The Judicature Acts.
 3. English Law Reporting.
 4. Early Records of Litigation.
 5. The Year Books.
 6. Reports of the Second Period.
 7. Reports of the Third Period.
 8. The Law Reports.
 9. Determining Date of English Decisions.
 10. Mode of Citation.
 11. Reprints of English Reports.
 - (a) American Reprints.
 12. Selected Cases.
 13. Canadian and Other Colonial Reports.

§ 1. Introduction—English Decisions as Authority

Though the reports of English decisions are books of primary authority, it must be remembered that, generally speaking, English decisions are not imperative authority in the American courts. As the foundation of American case law is to be found in the common law of England, English decisions, prior to the Revolution, are authority in this country, as embodying the common law which was brought to America from England. English decisions rendered prior to 1776 have been regarded by some judges and writers as of imperative authority, but the better opinion is that they are not in any sense imperative.

All English decisions, however, are authority in the sense that they would usually be followed in the absence of a decision of an American court—that is to say, they are persuasive authority. English decisions may be, and often are, referred to as evidence of the existence of some rule of law or practice that should be applied by American courts, in the absence of other precedent. Indeed, in many instances, they would probably be followed in preference to the decisions of some other state. For this reason, the reports of the decisions of the English courts are often valuable to the American lawyer, so much so as to justify a short description of them.

§ 2. English Courts

In order to understand the bibliography of the English reports, it is necessary to describe briefly the system of English courts.

Prior to 1873 the leading English courts of original jurisdiction were the Court of King's (or Queen's) Bench, the Court of Com-

mon Bench or Common Pleas, the Court of Exchequer, the Court of Chancery, the Court of Admiralty, and the Prerogative Courts of Canterbury and York. The Court of King's (or Queen's) Bench can be traced back to the twelfth century. It was the most important of the common-law courts, receiving its name because of the fact that the sovereign was supposed to sit in it in person. It had jurisdiction in all pleas of the Crown—that is to say, criminal cases—and in all suits between subject and subject, except real actions. It also had the power to issue extraordinary writs, such as *mandamus* and *quo warranto*.

Inasmuch as the Court of King's Bench necessarily accompanied the King on his journeys throughout the kingdom, a new court, that of the Common Pleas, became necessary. By *Magna Charta* it was provided that the Court of Common Pleas, having jurisdiction of all suits between subject and subject, should be held at some certain place, no longer following the King. That court, therefore, held its sessions at Westminster.

The Court of Exchequer was the financial agency of the government, but very early it began to assume judicial functions in connection with the management of the royal revenue. By gradual enlargement of its jurisdiction it took cognizance of suits between subject and subject, except a very few, including real actions, of which the Common Pleas had exclusive jurisdiction.

The Prerogative Courts of Canterbury and York were ecclesiastical courts, and had jurisdiction of the probate of wills and administration of estates, as well as all matrimonial causes. In 1857, however, jurisdiction in such matters was transferred to the Court of Probate and the Court for Divorce and Matrimonial Causes.

The Court of Chancery had its origin as far back as the reign of Richard II (1377 to 1399); but it was not until the reign of Henry VI (1422 to 1461) that chancery decisions began to be reported. This court, as its name indicates, had jurisdiction of all equity cases.

The Court of Admiralty had its origin certainly as early as the thirteenth century, and, as indicated by its title, had jurisdiction in all matters arising wholly at sea.

(a) *Appellate Courts*

There were also in England three courts of appellate jurisdiction. They were known as courts of intermediate appeal, and were as follows: (1) The Exchequer Chamber, which was established in 1822 as a court of intermediate appeal from the common-law courts, namely, the Court of King's Bench, the Court of Common Pleas, and the Court of Exchequer; (2) the Court of Appeal in Chancery, established in 1851, which was a court of intermediate appeal in equity cases; and (3) the Full Court in Matrimonial

Causes, which had jurisdiction to review the decisions of the Court for Divorce and Matrimonial Causes.

The court of final appeal was the House of Lords, to which an appeal lay from the Court of Probate, Exchequer Chamber, Chancery Appeals, and from the Full Court in Matrimonial Causes, as well as from the Scotch and Irish courts.

The Judicial Committee of the Privy Council also constituted an appellate court and entertained appeals from the Admiralty and Ecclesiastical Courts, and from the colonial courts.

(b) *The Judicature Acts*

The modern system of English courts was established by the judicature acts of 1873 and 1875. By these acts, all of the courts of original jurisdiction and the courts of intermediate appeal were consolidated in the Supreme Court of Judicature. This was subdivided into (1) the High Court of Justice; and (2) the Court of Appeal. The High Court of Justice was subdivided into the King's or Queen's Bench Division, the Common Pleas Division, the Exchequer Division, the Chancery Division, and the Probate, Divorce, and Admiralty Division. The jurisdiction of the various divisions corresponds, in the main, to that of the old courts of the same name. The courts of any division, however, may apply equitable rules. In 1880 the Common Pleas and the Exchequer Divisions were consolidated with the Queen's Bench Division. Appeals from these courts will lie to the Court of Appeal. From the decisions of the Court of Appeal, an appeal may be taken, as before, to the House of Lords.

§ 3. English Law Reporting

In England, the opinions of the judges, as a general rule, are not written, but are stated orally by the judges in open court, together with the reasons for their decisions. Law reporting in England, therefore, is arduous and complex, requiring ability of a peculiar character on the part of the reporter. With the possible exception of a comparatively short period between 1292 and 1537, no governmental provision has been made in England for reporting the decisions of the courts, and it is very doubtful if there were any regular official reporters even during that time. Law reporting in England has, therefore, been the work of private enterprise, as a result of which there are, among the English reports, reports of all sorts of merit, made by all sorts of persons in all sorts of style. In later years, certain series of reports have sometime been "authorized" by the judges, but this gave the reporters no recognized official standing.

According to Mr. Soule (*Lawyers' Reference Manual*, p. 66) the history of law reporting in England may be divided into four

distinct periods: (1) The period of official and regular reporting, represented by the Year Books only; (2) the period of casual reporting, private and often posthumous, from the Year Books to the Term Reports (1785); (3) the period of private, but regular, reporting, from the Term Reports to 1865; and (4) the period of systematic reporting, by the Council of Law Reporting, from 1865 to the present.

§ 4. Early Records of Litigation

There are in existence records of litigation antedating the Norman Conquest; but they can hardly be regarded as reports of decisions intended to furnish precedents. Dr. Melville M. Bigelow has collected from the original records and published, under the title "*Placita Anglo-Normannica*," reports of all the recorded temporal and a few ecclesiastical cases, from the Conquest to the reign of Richard I (1066-1195). Beginning with the sixth year of the reign of Richard I there are official records of cases. The earliest of these are collected in a publication entitled "*Rotuli Curiae Regis*," in two volumes, covering a period from 1194 to 1199. These with Howell's *State Trials*, in thirty-four volumes, beginning with the year 1163, bring the English Reports up to the time of the "Year Books."

§ 5. The Year Books

The "Year Books," beginning in the reign of Edward I (1292), and continuing with a few breaks until the latter part of the reign of Henry VIII (1537), are perhaps the earliest records that are intended primarily as precedents.¹ As already remarked, it has been contended that the cases contained in the Year Books were reported by officials appointed for that purpose and paid by the government. But in the Introduction to "*Year Books of Edward II*," Selden Society Publications, vol. 17, it is shown that this contention is without satisfactory proof and is probably erroneous. The Year Books are in 16 volumes, 5 volumes covering the reign of Edward I. It is in these Year Books that are to be found the earliest statements of the principles of the law.

§ 6. Reports of the Second Period

From the beginning of the sixteenth century there is a continuous line of common-law reports, and from the middle of that century of the chancery reports. Many chancery cases are, however, reported in the early King's Bench reports, so that for practical purposes there is a continuous series of both law and chancery reports since 1500. Many of the reports of this second period of reporting are, however, of little or no value. In some instances the reports of the period are printed from notes taken by able lawyers, and are, therefore, presumed to be correct, and are accepted

¹ Wambaugh, *Study of Cases*, § 98.

as authority. Others are compiled from copies of the original notes, and sometimes even from second or third copies. "Indeed, it was," says Wallace (*The Reporters*, p. 17), "warrant enough to call a book such a man's reports, that the cases in it, though manifestly copied from other MS., were copied in his handwriting." In some instances the reputed authors of the reports were dead and buried many years before the decision of the cases which they were made to report.

Of the older reports, those of Plowden are considered to be among the very best. So, too, the first eleven volumes of Lord Coke's Reports stand very high; so high, indeed, that they have often been referred to as "The Reports." Saunders' Reports are regarded as very fine examples of reporting, and those of Burrow are looked upon as exceptionally good. They have become, indeed, a model for subsequent reporters. Of other early reports, those of F. Moore, Dyer, Leonard, Croke, Yelverton, Hobart, Salkeld, Lord Raymond, and Peere Williams have always been highly esteemed. On the other hand, the reports of Owen, Noy, Saville, Gouldsborough, and Popham are not recognized as carrying with them any authority. Among the chancery reporters, Vernon, Atkyns, Vesey, Sr., and Ambler are regarded as rather mediocre.

§ 7. Reports of the Third Period

Beginning with the reports of Durnford & East, commonly called the Term Reports, in 1785, there is a marked improvement in the methods of reporting English decisions. The reports are regular in their chronological aspect and are in many instances equal to the best models of modern reporting. The reports of East, Maule & Selwyn, Adolphus & Ellis, Meeson & Welsby, and Hurlstone & Norman show painstaking care, and are of deservedly high repute. With the growth of law reporting during this period—that of private, but regular, reporting—there sprang up a number of rival reports. Certain series were recognized by the courts as authorized. These are usually listed as regular reports; others, often superior in excellence, are, however, usually listed as "Collateral Reports."

§ 8. The Law Reports

The lack of system and the duplication of reports, and, in some instances, the marked contradiction between the different reports, led the bar to inaugurate a movement, in 1863, to secure better and more systematic reporting. The result of these efforts was the organization, in 1865, of the Council of Law Reporting, made up of members of the Inns of Court and the Law Society, and the establishment of the "Law Reports," a system which has been in successful operation ever since.

As first established, the Law Reports comprised a separate series for each of the courts, including the House of Lords and the Privy Council Appeal Cases. In 1875, however, the series was consolidated to six reports, namely, the Appeal Cases, Chancery Division, Common Pleas Division, Exchequer Division, Probate Division, and Queen's Bench Division. Commencing with the year 1881, as the result of the consolidation of the Common Pleas and Exchequer Divisions of the High Court of Justice with the Queen's Bench Division, cases in the Common Pleas and Exchequer Division are reported in the reports of the Queen's Bench Division, so that, at present, there are four series, namely, Appeal Cases, Chancery, King's Bench, and Probate.

§ 9. Determining Date of English Decisions

In many of the older English reports, the only method of determining the date of a decision is by the term and regnal year in which the case was decided. The law terms were fixed by the church festivals, from which they took their names. By a statute passed in 1830 it was provided that, beginning with 1831, the terms should be as follows:

Hilary Term, Jan. 11 to Jan. 31.
 Paschal (or Easter) Term, April 15 to May 8.
 Trinity Term, May 22 to June 12.
 Michaelmas Term, Nov. 2 to Nov. 25.

The regnal years of the various sovereigns are shown by the following table:

Sovereigns.	Commencement of Reign.	Length of Reign.
William I.....	October 14, 1066.....	21
William II.....	September 26, 1087.....	13
Henry I.....	August 5, 1100.....	36
Stephen.....	December 26, 1135.....	19
Henry II.....	December 19, 1154.....	35
Richard I.....	September 23, 1189.....	10
John.....	May 27, 1199.....	18
Henry III.....	October 28, 1216.....	57
Edward I.....	November 20, 1272.....	35
Edward II.....	July 8, 1307.....	20
Edward III.....	January 25, 1326.....	51
Richard II.....	June 22, 1377.....	23
Henry IV.....	September 30, 1399.....	14
Henry V.....	March 21, 1413.....	10
Henry VI.....	September 1, 1422.....	39
Edward IV.....	March 4, 1461.....	23
Edward V.....	April 9, 1483.....	—
Richard III.....	June 26, 1483.....	3
Henry VII.....	August 22, 1485.....	24
Henry VIII.....	April 22, 1509.....	38
Edward VI.....	January 28, 1547.....	7
Mary.....	July 6, 1553.....	6
Elizabeth.....	November 17, 1558.....	45
James I.....	March 24, 1603.....	23
Charles I.....	March 27, 1625.....	24

Sovereigns.	Commencement of Reign.	Length of Reign.
The Commonwealth.....	January 30, 1649.....	11
Charles II.....	May 29, 1660.....	37
James II.....	February 6, 1685.....	4
William and Mary.....	February 13, 1689.....	14
Anne.....	March 8, 1702.....	13
George I.....	August 1, 1714.....	13
George II.....	June 11, 1727.....	34
George III.....	October 25, 1760.....	60
George IV.....	January 29, 1820.....	11
William IV.....	June 26, 1830.....	7
Victoria.....	June 20, 1837.....	64
Edward VII.....	January 22, 1901.....	9
George V.....	May 6, 1910.....	—

Although Charles II did not ascend the throne until May 29, 1660, his regnal years are computed from the death of Charles I, January 30, 1649, so that the year of his restoration is styled the twelfth of his reign.

In order to determine the date of a decision indicated only by term and regnal year, it is necessary to determine first in what calendar year the term fell in the first year of the reign. By adding to the calendar year thus obtained the regnal year less one, the year in which the given term fell is ascertained. For example: It is desired to know the date of a case decided at Hilary Term, 4 George I. George I ascended the throne August 1, 1714. Consequently the first Hilary term in his reign was in January, 1715. Adding the regnal year less one, it is ascertained that the case in question was decided in 1718.

By the Judicature Act of 1873, however, the division of the year into law terms was abolished.

§ 10. Mode of Citation

As English reports are, up to the time of the Law Reports, entitled by the name of the reporter, they are cited by abbreviation of the reporter's name. For example: *Eaton v. Bell*, 5 B. & Ald. 34, refers to volume 5 of Barnewall & Alderson's King's Bench Reports; *Faucett v. Whitehouse*, 1 Russ. & M. 132, refers to 1 Russell & Mylne Chancery Reports. The Law Reports are cited by the court or division. Up to 1875, the mode of citation was, for example, *Goodwin v. Robarts*, L. R. 10 Exch. 337, indicating that this case was found in the Law Reports, vol. 10, of the Exchequer Reports. After 1875, when the first consolidation of the reports took place, cases were cited merely by the division. For example: *Perry v. Barnett*, 15 Q. B. D. 388, indicating that this case was found in Law Reports, vol. 15, of the Queen's Bench Division. In 1891, a new style of citation was adopted, the year being added to the citation. For example: *Sanderson v. Collins*,

[1904] 1 K. B. 628, indicating that this case is to be found in the Law Reports, vol. 1, of the King's Bench Division for the year 1904. There are two volumes each year of the reports of the King's Bench and Chancery Divisions, but only one volume per year of the Appeal Cases and Probate Division; so that a citation of a case in the Appeal Cases for example would be in this style: *Caledonian Ry. Co. v. Barrie*, [1903] App. Cas. 126.

It would, of course, be absurd to expect the American student or lawyer to learn the names of any but the most important and most commonly cited English reports. To remember these is desirable, however. The others may on occasion be looked up among the abbreviations in Chapter 11 of the Appendix and in Chapter 4 of the Appendix are very full lists of the English Reports.

§ 11. Reprints of English Reports

There are two well-known English reprints of the English Reports. In 1900 there was begun the publication of the "English Reports, Full Reprint." This, as the subtitle indicates, is a complete reprint of all English cases from the earliest times. One hundred and thirty-six volumes had appeared up to August, 1913.

There is also in process of publication a reprint of English reports, entitled the "Revised Reports." The series is edited by Sir Frederick Pollock and is a republication of such cases in the English courts of common law and equity, since 1785, as are still to be regarded as of practical utility. This publication began in 1891, and 137 volumes have been issued up to the present time (August, 1913). It is, of course, in the nature of a series of selected cases, as it does not purport to reprint all cases, but only those which the editor thinks worthy of republication. It is correlated with the original reports by the Table of Cases Reported, which gives the title of the case, its citation in the original report, and the place it is reported in the "Revised Reports."

(a) *American Reprints*

There have also been numerous American reprints of certain portions of the English Reports, which will be found listed with the English Reports in the Appendix.

§ 12. Selected Cases

There have been published at various times several series of selected cases from English reports. Probably the best known of these is *Smith's Leading Cases*, which first appeared in 1841, and has run through several editions. *English Ruling Cases*, in 25 volumes, is another selected case series, the character of which is indicated by its title. *Moak's English Reports* is an American publication of selected English cases, with copious notes.

§ 13. Canadian and Other Colonial Reports

In recent years American lawyers have begun to evince some degree of interest in the reports of the Canadian courts and the courts of certain other British colonies. The reports of the older Canadian provinces are quite numerous; Ontario having about 250 volumes, Quebec about 270 volumes, Nova Scotia about 75 volumes, and New Brunswick about 45 volumes. The Dominion Reports number about 85 volumes. There are also a few volumes of reports in each of the newer provinces, Alberta, British Columbia, Manitoba, Northwest Territories, and Saskatchewan. In American courts, these reports are, of course, of merely persuasive authority; but they often prove of interest in illustrating the application of the old English rules of law to the social and economic conditions in a new and growing country.

In the same manner the reports of decisions of the Australian courts have in recent years excited some attention. The reports of the South African colonies have proved of interest in two aspects. In some of the older reports are found interesting examples of the survival of the rules of the Civil Law, while in some of the later volumes are illustrations of the modification of the Civil Law by contact with the English Common Law.

But these reports, and the reports of the Scotch, the Irish, and the Indian courts, are of no practical value to the American lawyer. They are of interest only to the student of comparative jurisprudence.

CHAPTER V

BOOKS OF SECONDARY AUTHORITY—TEXT-BOOKS, ENCYCLOPÆDIAS, AND DIGESTS

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§ 1. Introduction

In Chapter I attention was called to the fact that law books may be divided into three general classes: (1) Books that are repositories of the law itself; (2) books that explain and expound the law by way of generalization, comparison, and commentary; (3) books that simply aid the lawyer by directing him to the places where he may find the law. The first of these classes of books comprises the books of primary authority—the books that contain the Statutory Law, and the books that contain the Case Law. These books have been described in Chapters II and III, respectively. The present chapter is intended to cover the books of the second class—the books that explain and expound the law—that is to say, books of secondary authority. In this class of books are included text-books of all kinds, encyclopædias of the

law, digests, law dictionaries, and a few other books that will be mentioned later.

§ 2. Authority

In order that the student may have a clear understanding of the relative importance of the different classes of books, it is deemed best to refer again to the different applications of the word "authority."¹ As has been explained, "authority" may be used in two senses—a concrete sense, as referring to the concrete thing that is authority; and an abstract sense, referring to the power or influence possessed or exerted by the concrete thing. Regarding law books as "authorities" in a concrete sense, we may describe them as of "primary" authority when they furnish us with the law at first hand, and as of "secondary" authority when they give us, not the law itself, but a synopsis or generalization of or a commentary on the law. This is the basis for the division of books into books of primary authority and books of secondary authority.

But law books, since they either contain or expound the law, may also be regarded as possessing and exerting power and influence—"authority" in the abstract sense. Regarded from this viewpoint, law books may be said to possess either "imperative" authority or "persuasive" authority. That is to say, the statements of the law contained in the books are either of imperative authority, in that they are absolutely binding on the courts, or of persuasive authority merely, in that they are not absolutely binding, but would probably be accepted by the courts as expressing the law, in the absence of any imperative authority to the contrary.

The line of demarcation between primary and secondary authority and that between imperative and persuasive authority do not correspond exactly in any particular jurisdiction. Many books of imperative authority in one state are only persuasive authority in another, though they are primary authority in both. A book that is imperative authority in any jurisdiction is always classed as a book of primary authority in all jurisdictions; but a book may be primary authority and yet not be imperative or even persuasive authority in the jurisdiction where its influence is invoked.

The distinction between imperative authority and persuasive authority, on the one hand, and primary and secondary authority, on the other hand, may be easily understood if we resort to a concrete illustration. A statute is primary authority. A statute of New York is imperative authority in that state; but it is not even persuasive authority in any other state. Yet it would be regarded as a primary authority of the law of New York in whatever state it was cited. A decision is primary authority of the law of the ju-

¹ See Chapter I, §§ 7 and 10.

risdiction in which it was pronounced and imperatively binding on the courts thereof. A decision of the Supreme Court of Michigan is imperative authority in that state, but is merely persuasive authority in Ohio, though it would be regarded in Ohio as imperative authority on the law of Michigan, as for instance, when a question arises in Ohio as to the proper construction of a Michigan statute. That is to say, the courts of Ohio, while accepting it as a true statement of the law of Michigan, are not bound to follow it, though, in the absence of any decision on the particular subject in Ohio, the courts of that state might regard the Michigan decision as stating a true principle of Common Law and thus be "persuaded" to follow it.

Now, books of secondary authority, since they do not give us the actual law, but merely secondary statements of what the law is believed to be, cannot under any circumstances be of imperative authority. The statements contained in books of secondary authority bind no one. They are, according to the court's belief in their accuracy, persuasive authority only.²

Books of secondary authority may therefore be defined as books which explain, expound, or summarize the law as it is found in books of primary authority. There are three, or more properly four, important classes of books of secondary authority. Theoretically, each is designed to serve a specific purpose, and will usually do so better than those of the other classes. But each class also serves the purposes of the others in a more or less subsidiary way, as will be seen hereafter.

These classes of books of secondary authority may best be considered separately. They are as follows: (a) Text-Books; (b) Encyclopædias; (c) Digests; and (d) Annotations in text form attached to statutes or reported cases.

§ 3. Text-Books

Law text-books range from the bare outlines, covering only the general principles of law, to voluminous and elaborate commentaries, in which the disputed questions are set forth and analyzed, conflicting authorities are weighed, and inferences are drawn, not only as to what the law is, but as to what it should be. They may be divided for general description into five classes: The treatise or commentary; the monograph; the ordinary text-book, or "text-book digest"; the outline or student's handbook; and the local text-book.

(a) *Treatises and Commentaries*

In this class are included those books in which legal principles are newly set forth and discussed, and which derive a certain au-

² In Part III of this volume. See Chapters XX and XXI.

thority from the weight of the views advanced and the force of the argument in which they are presented.

There are a very few legal treatises which have risen to something approaching closely the dignity of primary authority, wherein the opinion of the author regarding the law has something of a judicial utterance. Of such character are Littleton's Tenures and the works of Sir Edward Coke and Sir Matthew Hale, but there are very few others. It is these few books that constitute the only possible exceptions to the general rule that Statutes and Decisions are the only repositories of the law, and that are sometimes regarded as of almost imperative authority.³ Still another class of these treatises are those which have been used for so long a time, and whose statements of the law have been found to be, in general, so accurate, that there is a strong presumption of the correctness of their statements of the law, and as authority they are therefore persuasive to a marked degree. Of this sort the Commentaries of Blackstone and of Kent, Cooley's Constitutional Limitations, and Dillon's Municipal Corporations may be mentioned, and others that readily suggest themselves. There are, too, a few works of more recent date which, when tested and proved, may be found worthy to be included in this category. But books of this class are comparatively rare, and as a rule the courts require direct reference to the decisions themselves.

(b) *The Monograph*

The monograph partakes of the nature and importance of the treatise. It is in fact a special treatise on some particular subject of the law, of limited and narrow scope, such as Employer's Liability. To this class belong works like Gray on the Rule against Perpetuities, and articles on narrow questions of law, such as the leading articles in legal periodicals, as, for instance, in the Harvard, Columbia, and Michigan Law Reviews, and in other similar publications.

(c) *The Text-Book Digest*

The great majority of legal text-books fall within the third class. They are the ordinary text-books or so-called "text-book digests." Generally speaking, the aim of these books is to set forth the law of a subject in condensed form, much after the manner of an encyclopædia, and with little or no criticism or discussion of the authorities cited. No serious attempt is made to explain or reconcile apparently conflicting decisions.

In these works originality has small place, except in the arrange-

³ In recent times the authority of these legal classics is for all practical purposes greatly reduced, and they are certainly not primary authority to-day.

ment of the digested material, and the books derive what authority they have, not from the soundness of the author's views, but from the accuracy with which he summarizes the law as found embodied in the decisions and other authoritative sources. The principal purpose they serve is that of aids in the finding of cases, or in obtaining a general view of the principles covering the particular subject or part of a subject under consideration. Practitioners go to them to ascertain the case law of the subject, and do not accept the author's statement as conclusive. It would be extremely dangerous to depend upon the author's statements, without having first verified them by careful reference to and examination of the cases cited, and of all other cases to which the citations may indirectly lead. Text-books are good for what they are worth; but any lawyer who has had occasion to probe to the root of a subject has learned that it is unsafe to look to the text-book for a final statement of the law on any subject.

(d) *The Outline or Student's Handbook*

The outline or student's text-book or handbook ⁴ differs from the treatise in its more restricted choice of topics and less exhaustive method of treatment, and from the "text-book digest" in that it does not attempt to cite all the cases or to cover as much ground. Mr. Reed says in his *American Law Studies*: "The student should use text-book authors as his legal preceptors for only a season, after which they must be to him what they are to the profession generally. And even while sitting at their feet he must be taught to test their statements and prove their references more and more every day. Gradually and surely he must form the lawyer's habit of going directly to the sources themselves for the law before he commits himself to take a position in advice or argument. One cannot learn too early that he should not rely overmuch on any book or set of books."

(e) *The Local Text-Book*

Besides these general text-books, there are numerous special and local text-books treating of some particular branch or subject of the law in a single jurisdiction. These books, a list of which can be found in any good law book catalogue, deal very largely with questions of pleading and practice in the particular jurisdictions for which they were written. Their importance and value is, of course, dependent on the local standing of the authors and the accuracy of the statements of the local law. They are often referred to as "local practice books."

⁴ The reader should not confuse the word "Handbook" with "Hornbooks." The Hornbook Series is the name of a particular set of text-books which fall within class (d).

(f) Text-Books in General

While the division of Text-Books into classes is valuable because it is of assistance to an understanding of the character of text-books, the reader must not suppose that the division can be made with precision. The line of demarcation between the Student's Text-Book or Handbook and the Text-Book Digest is particularly vague. Almost every modern text-book belongs to one of these two classes, which grade off into one another so gradually that it is sometimes hard to say to which a particular book belongs. The solution of the question depends on whether the object of such book is chiefly to cover the subject clearly and briefly, or is to make accessible the case law on that subject. The topic of a book of either class is broad and general, like "Contracts," "Torts," "Criminal Law," or "Pleading," whereas a book or article on some narrow subject, like "The Fellow Servant Rule," or "Judicial Construction of the Fourteenth Amendment," is more properly a monograph. A treatise may have as its subject a broad main division of the law, or may cover the whole law comprehensively, like Blackstone's Commentaries.

§ 4. Encyclopædias

An encyclopædia of law is a collection of comprehensive articles, which attempt to cover the entire body of law. Encyclopædias might perhaps be regarded as coming within the general classification of text-books; but in their latest development they partake of the nature of both text-books and digests and are intermediate between these two great classes of books.

In order to come within the realm of practicability, a modern encyclopædia must avoid duplication, and, because of the immense mass of the common law, this requires a very detailed analysis and classification similar in character to that of a general digest. This is required, also, by the character of the service which it is designed to give.

The purpose of an encyclopædia of law is to supply in the form of text and notes the whole body of the law, together with complete citations to all the authorities. The reader of a work of this kind must not look to find much beyond bare statements of established legal doctrine, arranged in an orderly manner, without attempt at explanation or detailed illustration, or any discussion of the authorities; the aim being to cover, somewhere and in some manner, all the findings of law in the reports. The encyclopædia idea is not original to modern law publishing. It has been in use more or less since the time of Justinian, and it is justly recognized as an excellent method for ascertaining the law and investigating authorities.

(a) *The American and English Encyclopædia of Law*

The encyclopædic form of law books was first introduced in this country in a large way some years ago by the publication of a work known as the American and English Encyclopædia of Law (First Edition). This set of books, purporting to cover the entire field of modern law, was completed in 1895 in 29 volumes. When the set was about three-fourths published the publishers decided to issue a new encyclopædia, to be limited in its treatment to the law relating to pleading and practice, and they consequently omitted this portion of their material from the remaining volumes of their Encyclopædia of Law. The new work was completed in 1902 in 23 volumes, and published under the title of the Encyclopædia of Pleading and Practice.

A new series was begun by the same publishers upon the completion of the first set. This latter work, which was completed in 1905 in 32 volumes, treats the substantive law only, and is called the American and English Encyclopædia of Law (Second Edition).

Soon after this the publishers of this encyclopædia, recognizing the fact that the attempt to separate the substantive law and the procedure was not satisfactory in its results or not popular with the profession, began the publication of a new or third edition, in which the substantive law and the procedure were to be recombined. The title given to the new edition was the American and English Encyclopædia of Law and Practice. It was expected that this edition would be completed in about 55 volumes, the compilation of which would require about 11 years. When three or four volumes had been brought out, publication was permanently suspended.

Though these encyclopædias purported to cover both American and English law, their treatment of the English law was of necessity meager and to a certain extent superficial. They were not in any sense encyclopædias of English law, but at best illustrate the rules of American law by reference to corresponding rules in the English law and by occasional citations to English cases.

(b) *The Cyclopædia of Law and Procedure*

The separating of the law of pleading and practice from the substantive law, and publishing it in a separate series of books, was, commercially speaking, a success; but with the profession the result was not popular, for the reason that much matter contained in the volumes of one series was duplicated in the volumes of the other, while neither series sought to cover the entire field of the law.

To meet the demand for an encyclopædia of law that would treat all the substantive and all the adjective law together, the publication of a new encyclopædia was begun by a new company formed for that purpose, and in 1901 the first volume of the Cyclopædia of

Law and Procedure was published. This new work (which has come to be commonly known and cited as "Cyc.") is now completed, and covers the entire field of law under some 440 main titles. The work is as complete and accurate as it is possible for a publication of this class to be.⁵ It fills 40 large volumes.

(c) *Same—Cyc. Annotations*

For the purpose of bringing the authorities cited as nearly as possible down to date, there is issued each year a volume of "Cyc. Annotations." This volume, by proper references to the article, page, and footnote (by number), seeks to correlate the cases decided since the article was published with the propositions of law stated in the text. (See Reference Book, pp. 737 to 744.) These annotations are cumulated from year to year; the last volume of "Annotations" containing the new cases from the date of publication of the article. The use of both Cyc. itself and of the Annotations will be described in subsequent chapters.

(d) *Same—Cyc. Index and Concordance*

An index has just been published for Cyc. It is similar in its general plan to the Descriptive-Word Index to Key-Numbers and its method of use is analogous to the method of using that publication. This new "Cyc. Index and Concordance," as it is entitled, is also similar in general character to the better sorts of text-book index, but is more elaborate and detailed. Its publication has had the effect of very materially simplifying and improving the use of Cyc. itself as a means of locating authorities in point.

(e) *Miscellaneous Encyclopædias*

The encyclopædia plan has also been applied to the treatment of a single subject, as in the "Cyclopædia of Evidence," and to a single series of reports, as in the "Encyclopædia of United States Supreme Court Reports."

§ 5. *Same—English Encyclopædias*

There are two well-known encyclopædias of English law. One of these is known as Halsbury's Laws of England, the first volume of which was issued in 1907. This work, which is to be completed in 20 volumes, has been prepared under the editorship of the Earl of Halsbury, who was Lord High Chancellor of Great Britain from 1885 to 1892 and from 1895 to 1905. The plan of the work is to supply a consolidation or complete statement of the law of England as it exists at the present time.

The other encyclopædia is known as the Encyclopædia of the Laws of England, Second Edition, and is issued under the editor-

⁵ Some articles were written by a special staff of trained expert editors; others were prepared by leading legal authorities, educators, and lawyers, with the assistance of the regular staff.

ship of Mr. Justice Wood-Renton. It consists of 15 volumes, the last of which contains a table of cases cited and a not very detailed index. Besides containing a series of articles on the various branches of the law, it also includes a comprehensive collection of forms and precedents under their appropriate headings.

§ 6. Digests

An important and numerous class of books included in the general division designated as books of secondary authority is the group known by the generic name of "Digests." A Digest is essentially an index to Cases. But it is much more than an ordinary index, for it indicates the holdings and (in some, though not all, publications) the facts of each case. Any particular digest is a summary of the case law coming within its scope, and its units are summaries of particular points of particular cases. What the syllabi of a reported case are to that case, a digest is to many cases. Were a digest simply a collection of citations to cases, arranged logically according to the contents of such cases, it would be a search book; but, being a summary of the case law, it is a book of secondary authority.

The units of which it is composed are the "digest paragraphs"—each one being a summary of a single point in a single case and similar in character to a headnote or syllabus paragraph.⁶ These are prepared from analysis of the reported cases. They are ar-

⁶ Properly speaking, every point decided in a case should be represented in the report by a syllabus or headnote paragraph. In the early days of law reporting the cases were very inadequately and incompletely edited. Law publishing and editing were in their infancy, and even the best reports of the period were unscientific; and there were few reporters whose work was characterized by a consistent system. Many points which should have been made the subjects of separate syllabi were either overlooked entirely or combined with the principal point in a single syllabus paragraph. Little attempt was made to separate or distinguish clearly between points by means of typographical devices.

In the development of the National Reporter System and the American Digest System, modern theories of reporting and digesting were worked out, not all at once, but gradually, until both were systematized and made consistent, and were finally correlated to each other. Digesting is a branch of legal editorial work which offers great difficulties, and requires expert training such as few individual editors possess. While the indexing of individual volumes of state reports has improved very markedly, in method and system it is seldom, if ever, possible properly to correlate it to the preparation of local digests, owing to the diversity of editorship. For similar reasons, there is often little or no correlation between the successive volume indexes in an official series of the reports of a state, and as between different states none is possible at all. Obviously, such correlation is possible only where an editorial system exists free from any local control and safe from alteration at the whims of any individual, as in the National Reporter System, the American Digest System, Lawyers' Reports Annotated, and a few other current publications of national scope and importance. The importance of proper correlation between reporting, indexing (of individual volumes of reports), and digesting will be seen from study of the practical use of law books discussed in Part II of this volume.

ranged in a logical manner, according to a scheme or classification, under subjects and divisions of subjects, in a manner designed to render them accessible.

The chief purpose of a digest being to make the contents of the reports accessible—to enable the attorney readily to find in the mass of the case law such cases as are in point on the specific question he is considering—it is obvious that the classification on which his digest units (i. e., separate points decided in specific cases) are arranged is a matter of supreme importance. The classification is in a sense the table of contents of a digest. It must be a logical development of heads and subheads. The degree to which the subdivision of a head is carried must depend upon the amount of matter to be placed under it; but the preparation of the classification must precede the distribution or classifying of digest matter to it, just as the frame of a house must be built before the walls, floor, and roof can be put on.⁷

Another important feature of a modern digest is the Index. The Table of Contents of a book is its logical classification. The index supplies another and very important means of access to the same contents. A large library will be arranged by subject and sub-subject; but it will have an index by author as well. This gives an analogy to the relation between the index and the classification of a digest. Any good modern digest has an index or the equivalent of an index, as will be explained hereafter.

A library will usually have an index to books by their title. Similarly, a law digest will usually contain a Table of Cases Digested, which serves a similar purpose.

Questions of Digest Classification, Indexing, etc., must be left for consideration in the second part of this volume, but the foregoing explanation will serve to show the reader the general character of this class of law books.

As already stated, their prime purpose is to make the case law accessible. To any one beginning the study of the law, or to one wishing to refresh his mind on the fundamental principles of any branch of the law, a well-written text-book—one which states those principles accurately and clearly—is of great service. It will help him to see the relation of his own case to the law in general. That is the special purpose of text-books of the briefer sort.⁸ For a more detailed statement of legal principles, the attorney will turn to the larger and more elaborate text-books, or to the encyclopædiæ of law. On the other hand, while the cases bearing on a particular question are to be found to a limited extent by the use of text-books, and to a greater extent in the longer text-books and

⁷ See Chapter VIII, where the distinction between a digest and the classification upon which such digest is built is fully treated.

⁸ See discussion of Text-Books above in § 3.

the encyclopædias, the most reliable and exhaustive method of finding all the cases is by recourse to the digests, whose special function it is to index the cases where they can be found.

Next to the statutes and reports, the digests are generally considered by lawyers as the most indispensable books. Naturally, therefore, nearly every series of law reports has its digests. The law student and lawyer should remember, however, not to rely on the statements found in digests of law reports as conclusive, any more than on those found in a text-book or an encyclopædia, without verifying them by reference to the original reports, for the reason that they are not the authorities themselves, but concise statements or summaries of the points in the reported cases. Digests are convenient manuals of reference, by which the reader may find his way to the original cases which are the authorities; but they are not the authentic declarations of the law made by persons whose statements are, by reason of their offices, authority in the true sense.

(a) *Historical—The United States Digest*

At a very early day in the history of American law reporting, the need of an adequate index to the reports was felt. Even as early as 1847, when the number of volumes of state reports was still less than 1,000, it became manifest that, in the absence of a general index, the case law of the country was practically a sealed book to the lawyer. To be sure, each volume of reports contained its index; but it was impracticable, to say the least, for the lawyer to search for his precedents through nearly a thousand different indexes. This led to the publication, about 1850, of the United States Digest, in 8 volumes, covering the reports of the state and federal courts. This was supplemented by annual volumes. In 1870, when the total number of volumes was 31, there was a re-compilation, bringing the 31 volumes into 14. This new compilation was known as the United States Digest, First Series, and in its turn was supplemented by annual volumes.

The establishment of the National Reporter System resulted naturally in the publication of a digest of the reports included in that system. The new publication (known as the American Annual Digest) was begun in 1887, and in one year practically drove the United States Digest from the field. The publishers of the American Annual Digest purchased the United States Digest, and the American became the continuation of the United States Digest.

As these various digests were compiled on different plans or schemes of classification, they were not satisfactory as a series. It was possible, with the combined use of the United States Digest, First Series, the New Series Annuals, and the American Digest Annuals, to cover, in a fashion, the greater part of American case

law; but it was not easy to do so, owing to the multiplication of separate annuals, to the many alphabets which it was necessary to look through in order to cover the ground thoroughly, and to the fact that they were not all on a uniform plan of arrangement.

The simplest and easiest plan for remedying the difficulty, and the one that would naturally suggest itself first, would be to rearrange the matter in the various volumes of the Annuals that had been published since 1870, so as to bring it under a single alphabet; thus making a second series corresponding to the first. Such a plan, however, would not have proved satisfactory to the profession; and at the same time the work in the earlier digests was lacking in exhaustiveness and completeness, and in parts was very unequal. What the legal profession really needed and demanded was a compilation which should be a permanent and final digest of all American case law—not a makeshift or a recompilation of past makeshifts, but an ideal and exhaustive digest. To meet this demand the publication of the Century Digest was undertaken, and the foundation laid for the American Digest System.

Such is the history of general digesting prior to the publication of the Century Digest and the beginning of the American Digest System. The reader should carefully distinguish between the foregoing description of former digests, which is purely historical, and the description which follows and is applicable only to present conditions. The United States Digest and the old American Annuals have passed into oblivion. They are no longer of any practical value, or, indeed, of interest, except from the point of view of the historian.

§ 7. Same—The American Digest System

The American Digest System is a complete system of digests covering the whole body of American case law, in a series of digests, all compiled on the same plan or scheme of classification of the law, and closely connected with each other, not only serially, but also by certain typographical and editorial devices which will be explained in the proper place. Each digest belonging to the system is itself a complete digest covering a specified period, and no two overlap or duplicate each other. The system consists of four elements or components, each distinct in itself, yet connected with the other three. These components are: (1) The Century Digest; (2) the Decennial Digest; (3) the American Digest, Key-Number Series; and in addition there are supplements of a temporary sort, known as (4) the Monthly Digest.

(a) *The Century Digest*

The Century Digest, as it is generally known—its full title being "American Digest, Century Edition"—though one of the com-

ponent parts of the American Digest System, is a complete digest in itself. It consists of fifty volumes, in which all American case law, both state and federal, from 1658 to 1896, inclusive, is reduced to digest form, under one topical arrangement. This digest covers over one million distinct points of law, decided in about five hundred thousand cases.

It would not be speaking too strongly to call the Century Digest the most ambitious and important law publishing enterprise ever undertaken. Without disparagement to such extensive reprints as the American Decisions and the Federal Cases, or such compendious publications as the various encyclopædias of law, or even the National Reporter System itself, it can be fairly stated that the Century Digest, covering, as it does, the entire body of American case law from the beginning for a period of more than two centuries is the magnum opus of American Law.

The Century Digest brought the case law down to the end of September, 1896. It was continued by the American Digest annual volumes; the same classification and analysis being used as in the Century. Thus for the first time the later digests were properly correlated to those which preceded it. The importance of this uniformity of classification can hardly be overestimated. In 1899 the increasing number of cases decided had so increased the bulk of the digest that it was found necessary to issue two volumes a year. The volumes were designated by the letters A and B. Thus, American Digest 1899A covered the period from October 1, 1898, to March 31, 1899; 1899B covering the period from April 1, 1899, to September 30, 1899.

(b) *The Decennial Digest*

At the end of ten years, eighteen volumes of continuations had been issued. So rapid had been the increase in the number of cases decided that these eighteen volumes contained nearly one-third of the entire case law. Consequently, in 1906, a recompilation of the eighteen volumes was begun, bringing them under one alphabetical arrangement. This recompilation is entitled the American Digest, Decennial Edition, or briefly, the Decennial Digest, and it is on the same classification as the Century Digest, which it supplements. It covers the case law, both state and federal, from October, 1896, to September, 1906, digesting about 225,000 cases. It is complete in 25 volumes.

Besides digesting the case law for the period named, it contains a complete table of American cases from 1658 to 1906, showing the parallel citations of each case and under what topic and section in the digest each of its various points are digested. The reader will observe that this table covers the Century as well as the Decennial

Digest. The use and effect of this table will be explained in a subsequent chapter.

A detailed index has been issued in connection with the Decennial, entitled the "Descriptive-Word Index." This also will be explained in the proper place in a later chapter.

(c) *The American Digest, Key-Number Series*

The Decennial Digest is continued and brought down to date by the continuations, known as the American Digest, Key-Number Series, of which about two volumes are published per year. Each volume is a complete and distinct digest of all cases during the period covered. The Decennial and these continuations are, of course, compiled on the same scheme of classification as the Century and Decennial Digests; the same topic headings and same analysis being used.⁹ But with the Decennial and succeeding volumes a new feature was introduced into the digests, in that the section numbers, indicating the ultimate division of the topic, were made uniform. In other words, the section numbers corresponding to the final subdivisions of the classification are numbered in a consecutive series under each subject or topic in the Decennial, and in the Key-Number Series each such section or final subdivision of the permanent classification has the same number which it has in the Decennial. By this simple device, the last step was taken to render the digests of the system uniform. It is not a mere approximation to uniformity, but uniformity in the strictest sense of the word. And by reason of this it has become a simple matter for one who understands the use of two mechanical devices to trace a given rule from the Decennial Digest into the succeeding volumes of continuations by the section number under which the first case is found, and back into the Century.

These continuations of the Decennial are not designated by the year as those preceding them were.¹⁰ Instead, the volumes are numbered consecutively, and are known as "Vols. 1, 2, 3, etc., American Digest, Key-Number Series," or more briefly as the "Key-Number Series."

(d) *The Monthly Digest*

There are published also advance sheets of the American Digest continuations, known as the "Monthly Digest." As the name indicates, they appear each month, and digest the cases reported

⁹ For full explanation, see Chapter VIII, § 6 (e) et seq.

¹⁰ The volumes of the preceding series, from 1897 to 1906, inclusive, the period now covered by the Decennial, were known as the American Digest 1901A, 1901B, 1902A, etc. The first few volumes of the Key-Number Series were originally labeled in a similar manner, but the practice was very soon abandoned in favor of that referred to in the text.

during the preceding month. They are compiled on the same classification as the other digests of the system, and the uniformity of section numbers to those of the Decennial will be found to exist in these advance sheets also.

(e) *Recapitulation*

To sum up the situation briefly, there is now but one general digest—that is to say, one digest system that covers all the decisions of the state and Federal courts. This is the American Digest System, covering the entire field of American case law from the beginning, the component parts of which are:

(1) The Century Digest, which is complete in itself, in 50 volumes, digesting under one topical arrangement all American case law from the earliest times to 1896.

(2) The Decennial Digest, which, though a continuation of the Century Digest, is also a complete digest in itself, in 25 volumes, digesting, under the same system of classification as the Century Digest, all American case law from 1897 to 1906, inclusive.

(3) The American Digest, Key-Number Series, which consists of successive supplements to the Decennial Digest from 1907 to date, under the same classification, and published at the rate of about two volumes per year.

(4) The Monthly Digest, advance sheets of the American Digest, Key-Number Series, bringing the case law down to within about a month of publication.

§ 8. Uniformity and the Standard Classification

The accessibility and therefore the practical value of a digest depends to a very great extent upon the character of the classification, and the aids to the use of the digest which are based upon its classification. Therefore, in a digest, as in an encyclopædia, the classification is all-important. It must be logical; it must be consistent; and, to make uniformity in digesting possible, it must be permanent.

When a lawyer goes to a digest he is usually in a hurry. He wants to find some particular point. If he understands the classification, he can turn to the desired place without difficulty. Should he approach the search blindly, with nothing more than a guess to guide him, he will waste time, and probably miss the very authorities he has need of. It is not necessary that he should be familiar with the details of the classification (though such familiarity will be of value); but it is desirable that he should understand its nature and the broad, simple principles which underlie its construction. Above all, he must be fully conversant with the system of cross-references and indexing, and with the tables which it contains.

There may doubtless be many different classifications of the law

equally logical and reasonable, but, for practical purposes, that arrangement which is the most familiar is better than all others.¹¹

The lack of uniformity in arrangement in digests of law reports has made the structure of each particular digest a separate problem to the lawyer, with the result that the confusion has long and justly been a subject of complaint by the profession. The great need of the American bar for years was a uniform classification of the law, that would meet the requirements of all indexes and digests, both local and general in their nature. This reform, which was urged by the American Bar Association and by the different state bar associations, could only be accomplished by the adoption of a standard classification. For all purposes that classification which, based on correct principles and developed logically, had been applied in the only general digest, was the best—namely, the American Digest Classification.

Devised originally for the Century Digest, it has been consistently followed in the subsequent parts of the American Digest System, and by its logical consistency and practicability it has so commended itself to other editors and publishers of digests that it has come into common use, thus becoming, in reality as well as in name, a Standard Classification.¹²

It has been applied, not only in the numerous digests of the Reporter System and in many state digests, but also in indexes to several hundred volumes of the National Reporter System.¹³

Moreover, the Standard Classification was made the basis of the analysis of the law used in the compilation of Cyc., and is followed therein as closely as the differences in the character of digests and encyclopædias would permit.

Indeed, having received the indorsement of the American Bar Association and having been used in the preparation of so many compilations, it is now the recognized standard, and its use and consequently its value will increase greatly as time goes on.¹⁴

¹¹ To-day the correct theory of classification has been worked out, and the work of an editor who does not conform to it should not be tolerated. The underlying rules which govern digest classification are few and simple, and it is the application of those rules which makes the preparation of a digest so difficult a task. It is doubtless true that great latitude for differences of opinion of all kinds exists, but uniformity between different digests is so important at this time as to outweigh all other considerations.

¹² It is only proper to state, however, that the Standard Classification is protected by copyright. The owners have gladly permitted its adoption by others, on request; but license from them is necessary in order to avoid infringement of the copyright.

¹³ See List of Standard Digests and note preceding it, Appendix, Chapter 6, list (g).

¹⁴ The searcher who approaches the American Digest System or other Key-Number digest no longer does so through the Classification or Analysis, but rather by the Descriptive-Word Index in the manner explained elsewhere. While familiarity with the details of the Classification is not now necessary,

§ 9. Same—Miscellaneous Digests

Though there is only one general digest now published¹⁵—namely, the American Digest System—there are numerous digests of particular series of reports, state or local digests, subject digests, etc., some of which are worthy of special mention.

Among these is the digest of the United States Supreme Court Reports recently issued by the publishers of the Lawyers' Edition of those reports. This is a very complete compilation, in six volumes, covering the United States Supreme Court Reports down to and including Vol. 206.

There is also a digest of the United States Supreme Court Reports, known as Rose's Digest, which has the special merit of being compiled on the Standard Classification Scheme.

All of the selected case series of reports have special digests accompanying them. The L. R. A. Digests (Lawyers' Reports Annotated), the Digest of the American and English Annotated Cases, and Rapalje's Digest of the American Decisions and American Reports are compiled each on a classification of its own. Green's Digest of the American State Reports, however, is compiled on the Standard Classification Scheme. There is also a separate digest for the Federal Cases.

(a) *Reporter Digests*

There is a separate digest for each of the Reporters of the National Reporter System. The earlier volumes of these digests are not, of course, compiled on the Standard Classification Scheme, because they were compiled and published before that scheme was fully developed. Later volumes are, however, on the Standard Classification Scheme, and the most recent volumes are key-numbered—in other words the identity of section numbers, which is such an important feature of the Decennial Digest and American Continuations, has been adopted.¹⁶

(b) *Local or State Digests*

There is also for nearly every series of state reports a digest covering that series only. These digests are usually compiled by local editors, with little or no experience in digesting. As a result there

yet the theory of Digest Classification is thought of sufficient interest to the student of legal bibliography to justify the explanation of it which will be found in Chapters XVII and XVIII of this volume.

¹⁵ Up to 1900 there was another, known as the General Digest, covering the period from 1886. Since 1900, however, the General Digest has practically ceased to exist as a distinct publication; its place being supplied for several years by the American Digest current volumes bearing a third label "General Digest Edition." It is now entirely extinct as a current publication.

¹⁶ See explanatory note preceding Chapter 6, list (g), of the Appendix; also see Chapter 6, list (d).

is no uniformity in the different digests, and often great diversity of classification between the original and the supplementary volumes of the same series.

In some states, however, the superior advantages of the Standard Classification Scheme have been recognized. Many of the recent state digests are compiled on that scheme, making it practicable to continue the supplementary volumes on the same plan as the original. Thus, among others, there are now standard Digests for Indiana,* Kansas,* Kentucky, Massachusetts, Michigan,* Mississippi,* Missouri, New Jersey,* Oklahoma,* Vermont,* Virginia, West Virginia, Washington and Wyoming.¹⁷

Many of the digests that are compiled on the Standard Classification have appended to each section a note showing where similar cases will be found in the Century Digest, and also where the general subject-matter of the section is discussed in Cyc. This gives the brief maker using these digests a ready reference to similar cases in other states.¹⁸

In some of the more recent state digests ¹⁷ the Key-Number section has also been introduced, as a result of which, because of the identity of section numbers, these digests are directly connected with the Decennial and other digests of the American Digest System and with the National Reporter System.

(c) *Subject Digests*

There are also some special subject digests—that is to say, digests covering the law in one of its branches or subjects only. Of this class may be mentioned Brandenburg's Digest of Bankruptcy Decisions and Finch's Insurance Digest. These digests are compiled on classifications of their own.

¹⁷ The digests for the states starred in the text are Key-Number Digests, as are the Key-Numbered supplements for most of the others. For a more complete list of Standard Digests, see Chapter 6, list (g) of the Appendix.

¹⁸ It is only proper to remark, in order to prevent any misunderstanding, that there are also a considerable number of digests which purport to follow the Standard or American Digest Classification, but in which the classification is modified and departed from so freely that they cannot be regarded as Standard Digests. Some of them are in themselves excellent digests, but to claim the merit of conformity thereto it is essential to follow the Standard Classification closely and in detail, and not merely to approximate it.

It must be understood that this discussion goes simply to the question of digest construction—to the framework of a digest—and not to the distribution of digest paragraphs under the different topics and subdivisions thereof. Absolute uniformity in the distribution of matter by different editors working independently is inherently impossible, because no two editorial forces will agree, in all instances, as to where a particular point of a particular case belongs under the same classification. The classification of matter is the most difficult of editorial work, requiring long experience and training, and, in some instances, the most expert digest editors may reasonably differ. But the real requirements of uniformity are met by the adoption of the Standard Classification in toto, and the other difficulties can be met by a proper system of cross-references. See Part II, Use of Law Books.

§ 10. Same—English Digests

There are three digests of the English reports that are available to one desiring to search the English case law. Only one of these, however, covers all the reports. This is Mews' "English Case Law Digest," in 16 volumes, which covered the English case law down to and including 1897. This digest was continued by the annual volumes entitled Mews' "Annual Digest." After ten of these volumes had appeared they were recompiled in a decennial edition, in two volumes, covering the years from 1898 to 1907, inclusive.

Butterworth's "Ten Years Digest" covers the same period as the supplement to Mews' Digest (1898-1907). It is in four volumes. It is continued by annual volumes of the "Yearly Digest"; quarterly advance sheets being issued in connection therewith.

There is also a "Law Reports Digest," of which three volumes have been issued.

§ 11. Character of Matter and Variation of Form in Books of Secondary Authority

It has been seen in preceding chapters that all books of primary authority are either statutes or decisions, and that they derive their binding force from the fact that they are enunciations of the law made by persons who, by reason of their official status, have authority to make or declare what the law is or shall be.

Books of secondary authority are the speculations of persons without such authority as to the particular declarations of the law in question. If the Lord Chancellor of England declares the law "ex cathedra" in court on an occasion when he is required by the duties of his office to do so, his statements are primary authority, and therefore a report of his words, in so far as it is accurate, is a book of primary authority; but if he makes the same statements at a dinner party, or if he includes them in a treatise on the law, they then become secondary authority only, for they express his private opinion, and are not the declarations of a court of law or a legislative body.

It is safe to say that all, or very nearly all, books on secondary authority, and certainly those compiled in recent times, are prepared from similar material. This material consists of the essence of decided cases—brief statements of the holdings or dicta in the decisions. They are summaries of the law, with explanatory matter added in some instances.

This essence of the law, which is the material used in books of secondary authority, is abstracted from the decisions by persons acting only in a private capacity. The sanctity of legal authority does not attach to it. This is true without regard to who the writer may be, or what official position he may hold. Therefore the

quality of his material will vary with his ability, as also will the persuasive authority attaching to his work.

In its simplest, unalloyed form, the material of which we speak is found in syllabi in the reports, where its nature is obvious to every one; but it is of the same material, or of material prepared in the same manner and from the same sources, that digests, encyclopædias, text-books, and text annotations of all sorts are created. The difference between these classes of books of secondary authority lies, not in the character of the original substance, but in the form in which it appears.

A digest is a collection of headnotes, or of paragraphs similar in their original nature to headnotes. These paragraphs are classified and arranged according to some definite plan or scheme previously prepared.

The compilers of an encyclopædia take similar material and arrange it in a similar manner. Then, instead of giving the facts and holding of each case stated separately, they group the cases according to their purport, and proceed to generalize the holdings in each group, thus making a continuous running text on the law. In order to indicate the source of each general statement so made, footnotes are added, indicating in what cases it is conceived that the rule contained in the text has been applied. These footnotes consist in large part simply of citations, but in many instances there are added to the citation a few words or a few lines indicative of the facts of the case. These show more specifically to what state of facts the rule of law has been applied by the courts.

The form which this raw material of books of secondary authority (of which the single syllabus paragraph may be regarded as the original unit) takes in a text-book closely resembles that of the encyclopædia, but there are several important differences between the two classes of books. The text-book is never exhaustive as to the whole body of the law, for it confines itself to a single topic or branch of the law. Moreover, excepting in such monumental works as *Wigmore on Evidence* or *Cook on Private Corporations*, it is not sought to cover exhaustively the cases on the particular subject of the work. Another difference is that some, though not all, text-books undertake not merely to state in general terms what the law is, but go further and theorize on the basis and development of the law in a manner which would not be practicable in an encyclopædia. Of course, such theoretical discussion, though often instructive and suggestive, depends for its value solely upon the reasoning powers and personal capacity of the editor. It cannot derive even a vicarious authority, as being based upon existing law evidenced by statutes and decided cases. At the same time, it may add very materially to the value of the writer's work.

On the other hand, an encyclopædia, like a digest, must rest for its value solely upon its merits as an accurate summary of the case law of the jurisdiction or jurisdictions covered.

The annotations contained in an annotated series of reports are merely secondary authority, like the syllabi, which precede the cases reported, though the reports themselves are primary authority, because they contain the decisions to report which is their primary purpose. Annotations constitute still another form which the material culled from the decisions may take. When a point in a decision is annotated, the process of annotation consists of gathering together brief statements of other cases on the particular point covered by the annotation. These paragraphs, which are similar to syllabi or digest paragraphs, are arranged so as to form a sort of text. The L. R. A. note found on page 43 et seq. of the Reference Book will serve to illustrate this method. As we have indicated elsewhere, such annotations, when elaborate, constitute something closely resembling digest of the cases covered.

§ 12. Law Dictionaries

Somewhat akin to the encyclopædia idea, although differing from these books, in that they do not undertake to present the legal principles which have been enunciated and applied by the courts in their decisions, are the law dictionaries. These do not belong to any of the three great classes of books of secondary authority which we have been considering. They confine themselves to definitions of legal terms, and are simply technical dictionaries for the use of lawyers and law students. Their use is so obvious as to require no explanation.

There are two classes of law dictionaries or glossaries: (1) Those that adhere strictly to the giving of concise and reliable definitions of technical terms used in law; and (2) those that aim to be something of a legal encyclopædia on a meager scale, as well as a dictionary. The best American examples of the first class are Black's Law Dictionary and Anderson's Law Dictionary, both one-volume works; and of the second class, Bouvier's Law Dictionary, published in two volumes.

§ 13. Same—Words and Phrases

Similar to, yet different from, dictionaries is "Words and Phrases Judicially Defined," an eight-volume publication brought out in 1904. Unique in character, it belongs to no particular class, but fills the gap between law dictionaries and encyclopædias and digests.

It frequently happens that the solution of a legal problem turns upon the meaning of a word or of a phrase. In these cases there can be no appeal to general principles or to abstract reasoning.

It is simply a question of the meaning of a word or phrase as used in a particular connection, or under particular circumstances, and is to be answered on authority. "What have the courts held this word or phrase to mean under similar or other conditions of fact?"

Law dictionaries are primarily lexicons, and although they generally use judicial interpretations to some extent as illustrations, none of them make any attempt at exhaustiveness. Moreover, they confine themselves to technical legal terms, giving rather the accepted general meanings than exact judicial constructions of words and phrases whose significance is open to dispute.

A word requiring construction in the statute or other instrument to be interpreted is most frequently not a technical legal term. The publication "Words and Phrases" is pre-eminently a compilation of legal definitions of words in everyday use, and this is one of the characteristics which chiefly distinguishes it from law dictionaries. The other major point of distinction lies in the fact that it is a collection, not of abstract definitions, but of actual judicial constructions placed upon words and phrases (whether technical or not), the construction of which has been necessary to the decision of reported cases. About 132,000 such definitions and constructions taken from reported cases are included.

As additional words are constantly being brought up for judicial construction by the courts, it was desirable to have some means of supplementing "Words and Phrases" in order that the profession might be informed as to the latest definitions or constructions by the courts. To this end a special title was inserted in the Reporter volume indexes and in the Decennial and Key-Number Series Digests. Under this title are gathered in their alphabetical order all the words defined in the cases reported in the particular Reporter volume, or in the cases digested in the several digests, and appropriate references are given to the places where the definitions themselves will be found.

§ 14. Periodicals

Standing on the same plane with text-books as sources of information are leading articles in law periodicals. Many of these are of very real value, in that they treat some subdivision of a subject with greater exhaustiveness than is possible in a text-book covering the whole general subject. Among the periodicals that may be consulted with profit are the *American Law Review* and the *Central Law Journal*. Perhaps the most valuable of the law periodicals, taking into consideration the character of the leading articles and the standing of the writers thereof, are the reviews published by some of the leading law schools, such as the *Michigan Law Review*, the *Harvard Law Review*, the *Pennsylvania Law Review*, the *Yale Law Journal*, the *Columbia Law Review*, and

the Illinois Law Review (Northwestern University Law School). These and other periodicals often contain, in addition to the leading articles, valuable notes and comments on cases. The material contained in the various periodicals is rendered accessible by various indexes to legal periodicals, such as Jones' Index, Soulé's Index, and the Law Library Journal Index.

Such periodicals as we have mentioned are designed to aid the lawyer in keeping in touch with the general trend of legal thought, rather than to serve as the means of finding authorities in point with a case which he is briefing.

CHAPTER VI

SEARCH BOOKS

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- 3. **Kinds of Search Books.**
- 4. **Annotations.**
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§ 1. Introduction

The preceding chapters have been devoted to a description of the repositories of the law and the books which expound and explain the law. It was pointed out that law books may be divided into three general classes: (1) The books that contain the law itself, including Statutes and Reports of Judicial Decisions—books of primary authority; (2) the books in which the law is restated, condensed, explained, or commented on, consisting chiefly of text-books, encyclopædias, and digests, but including also such annotations as are not confined, or almost confined, to citing cases—books of secondary authority; and (3) books which neither contain the law nor statements or explanations of the law, but which are designed to aid the lawyer in finding the law, and are, therefore, classified under the general term of Search Books—books that may be of assistance in the search for the law. It is to this class of books that our attention may now be directed.

§ 2. General Nature and Purpose

As has been remarked, Search Books do not usually purport to give any intimation of what the law is, and therefore, except in a very few of them, which will be specifically mentioned, we do not find any statement of legal propositions, or any attempt to apply propositions of law to the facts in particular cases. As a rule these books simply indicate to the investigator where he can find certain cases, or certain collections of cases, presumably pertaining to a general subject of the law, or give information regarding cases or statutes other than their purport or contents.

Many of them are guideposts in the truest sense, giving the searcher explicit directions as to the road he must travel to reach a certain goal; but a large proportion of them give him merely an indication as to the general direction of his search, or a clew which, if followed, may lead him to the authorities he desires to find.

Though in no possible sense of the term can these books be regarded as authority, or cited to support a statement of a principle of law, it is nevertheless true that some of the most important, valuable, and constantly useful law books belong to this class. Thus, parallel citation tables, tables of statutes, and citators belong to this class. The Decennial Table of Cases is an excellent illustration of the important service which can be rendered by a Search Book.

§ 3. Kinds of Search Books

Search Books are not only numerous, but they are of various kinds, each designed to serve one or more specific purposes. They vary greatly in form; but, notwithstanding this variety of form, they may for practical purposes be divided into five classes: (1) Annotations; (2) Indexes; (3) Citators and Citation Books; (4) various sorts of Tables of Cases; and (5) Tables of Statutes Construed. Some of these are very difficult to describe, and consequently any description of them must be in very general terms. At present, we must be content with a somewhat general survey of a few of the leading examples of each class, and for the purposes of description particular publications that are types of the various classes will be selected. It would serve no useful purpose to call attention to all the numerous and varied forms of Search Books. Some further description will be given when we come to those chapters which deal with "How to Find the Law."

§ 4. Annotations

One of the most important classes of Search Books is those included in the category of Annotations. They are important and valuable, in that they often purport to give, in very condensed form, some indication of the law, deduced from the cases or statutes, as well as to point out where similar cases can be found.

Thus they are closely allied to the books of secondary authority. To this class belong most of the notes found in annotated editions of statutes. This does not apply to such annotations as the longer notes in the selected case series, which, as already pointed out, are properly classed as secondary authority (see Chapter III, § 7i). Some of the publications also which consist purely of annotations might perhaps be regarded as secondary authority, though this is doubtful; and it has been deemed best to consider them in this chapter rather than in Chapter V. The general form of these books and the kind of information they give the investigator can more easily be understood by reference to the exhibits contained in the Reference Book, pp. 745 to 752. A more particular description of some of the more important of these books is given below.

(a) *Rose's Notes on the United States Reports*

One of the most complete collections of annotations, and a valuable contribution to legal literature, is Rose's "Notes on United States Reports." This work, issued in 1901, in twelve volumes, exhaustively annotates every individual case decided by the United States Supreme Court, so far as the same has been cited in subsequent cases decided in any of the federal or state courts. Each case is critically analyzed, and every legal proposition laid down by the Supreme Court of the United States is annotated separately, showing how it has been applied, followed, limited, criticised, etc. The cases are arranged chronologically. Under each case are given syllabi of the points decided, with notes based upon and collecting all the subsequent citing cases appertaining thereto; each note being appended to the particular syllabus paragraph to which it refers. The set is brought down to date by supplementary volumes.

(b) *L. R. A. Cases as Authorities*

There was issued in 1905, in connection with the Lawyers' Reports Annotated, a supplement, in four volumes, known as "L. R. A. Cases as Authorities," which takes up the cases reported in the first 50 volumes,¹ and traces their history, showing where they have been used as authority in subsequent cases in all the courts, and how regarded. There is given, also, a brief digest statement of the holdings in these following cases upon the points in issue, thus supplementing the earlier decisions and their annotations with the later cases more or less affected by them. In addition to the citations by the courts of each L. R. A. case, there is also noted every

¹ See Chapter III, § 7 (a), as to Extra Annotated Edition of L. R. A. Also see Chapter XIV, § 8(a). A new edition of L. R. A. Cases as Authorities is in course of preparation. It will cover volumes 1-70 L. R. A., instead of the first 50 volumes only.

citation thereof in subsequent annotations of the *Lawyers' Reports Annotated* down to 1905. The affirmance or reversal of any of these cases by the Supreme Court of the United States is also shown. The reader will observe that this set is of much the same character as a citator, but with *text* indicative of what point the L. R. A. case was cited on, and the character of the citing case. An exhibit from this publication will be found in the *Reference Book*, p. 745.

(c) *Notes to American Decisions*

Reference has been made in Chapter III to the new extra-annotated edition of the *American Decisions* and *American Reports*. The additional annotations that are included in the new edition are also published in separate book form. They are in the same form and follow the same plan as the "L. R. A. Cases as Authorities," described above, being designed as a means to supplement the original annotations by connecting them with later cases in point.

(d) *Cyc. Annotations*

An annual volume known as "Cyc. Annotations" is published in connection with the *Cyclopædia of Law and Procedure*. Its purpose is to supplement an article in *Cyc.* by appropriate references to the cases pertaining to the subject decided since the publication of the original article. These subsequently decided cases are correlated to the proper statements in the text of the article, by references to the page and footnote (by number). These annotations are cumulated from year to year, so that the latest annual volume of "Annotations" contains the references to later cases since the publication of each article in *Cyc.* itself.²

(e) *Miscellaneous*

In addition to the annotations of a general character described above, there are a number of annotations of local state reports. Rose's "Notes on Texas Reports" is compiled on a plan similar to the "Notes on United States Reports." There is also "Notes on California Reports" on a like plan. Herron's "Texas Citations" and Hank's "Annotations to Virginia Reports" are other examples of this class of Search Books. In Indiana there is published "Notes to Statutes," which are, of course, annotations of the Indiana statutes.

Indeed, it might be said that all annotations of statutes and reports should be included in the general category of Search Books. While the statutes and reports are in themselves repositories of the law, the annotations appended to the sections of a statute or

² See Chapter V, § 4 (c).

to the reported cases are not authority in the legal sense, and, except in such instances as the notes in L. R. A., etc., they do not go into sufficient detail to be classed as summaries of the law, and should therefore be classed as Search Books rather than as secondary authority. The "Indexes to Notes," published in connection with the various sets of annotated reports, are, of course, to be included under the head of Search Books.

§ 5. Indexes

The most familiar kind of Search Book is the index. The word "index," as applied to law books, is used in various senses. In one sense a digest is an index, and consequently might be classed as a Search Book. But, as digests ordinarily give information as to what the law is, they occupy a higher plane than that of mere Search Books. As to the index-digests which appear in the several volumes of any reports, these should in general be classed with regular digests. For instance, the index-digests in the Reporter volumes are regular digests of the cases contained in the several volumes, containing adequate statements of all points of law decided therein.⁸ Such indexes serve a twofold purpose, that of an index and that of a digest. The same statement applies to the index-digests in the several volumes of L. R. A., American State Reports, etc.

On the other hand, in many sets of reports, the index-digests are so meager as to give the investigator merely a general notion of the subject-matter of the cases cited, and little or no indication of the principles of law involved. These and a few regular state digests compiled in much the same manner should be classed as Search Books rather than books of secondary authority.

Generally speaking, however, the word "index" is used to mean a subject-index; that is, such indexes as are found in text-books, statutes, etc. Though seldom published in separate volumes, these may nevertheless be fairly classed as Search Books. Practically all of the important sets of law books of national scope, however, have indexes, and these are usually published in separate volumes. Among these may be mentioned the index to the Century Digest, contained in volume 50 of that set; the Descriptive-Word Index recently published for use in connection with the Decennial and other Key-Number Digests; and the new Cyc. Index. Indexes to Notes, which are issued in connection with the various Selected Case Series, also deserve special mention. Like the indexes just referred to, they are a form of subject-index and cover

⁸ See Chapter XI, §§ 6 and 11, where the Reporter indexes, or more properly index-digests, are explained. The volume indexes of L. R. A., the Trinity Series, and other standard sets of reports are also digests rather than indexes in the narrower sense.

annotations to the several series. These indexes bear the same relation to the annotations that a digest index does to the digest.⁴

§ 6. Citators and Citation Books

The class of Search Books known as "Citation Books," though designed to serve the same purpose as the "Annotations" above described, which seek to trace the judicial history of a reported case and afford a means of valuing authorities, differs very materially in form and detail. Citation books do not undertake to indicate the points decided in the case annotated, nor do they indicate by any text, note, or summary the nature or application of the holdings in the citing cases. They give the investigator bare citations to the subsequent cases in which the principal case has been cited, employing a system of signs to indicate the fact whether the citing case explains, follows, limits, distinguishes, or overrules the principal case. These Citation Books are quite numerous, and it would serve no good purpose to attempt to describe them all. A list of them will be found in Chapter 5 of the Appendix. The general form of these books is also shown in the Reference Book, pp. 705-736. Specific reference may, however, be made to one or two of the most important books of this class. The manner of using them will be explained in Chapter XV.

(a) *Federal Citations*

Ash's "Federal Citations," in four volumes, shows where each case decided in the United States Circuit Courts of Appeals, Circuit Courts, District Courts, and Court of Claims has been subsequently cited in the United States Supreme Court Reports, Federal Cases, Federal Reporter, or in the state reports. It also shows where any cases contained in the state reports have been cited in subsequent cases arising in any of the federal courts. The period covered is from 1789 to 1901.

(b) *Shepard's Citations and Citators*

There is a series of Citation Books known as "Shepard's Citations." They cover, in separate volumes for each, a large number of sets of reports, including the United States Supreme Court Reports, several of the Reporters of the National Reporter System, and about 40 of the states. The preparation and publication of these volumes of citations has been reduced to a system. The provision for keeping each publication down to date is one of its most important features. Supplements are issued at quarterly intervals for each publication, so as to include the citations in current reports. As the supplements are cumulative, only the original volume and the latest supplement need be examined.

⁴ See Chapter XIV, §§ 2, 4, and 5, Use of Selected Case Series, indexes and notes; also see illustrative pages in Reference Book, pp. 673-692.

One recent improvement in these books is the introduction of the Key-Number, showing where the citing case is digested in the American Digest System.

The more recently prepared of these go much farther than merely indicating in what subsequent cases a particular case has been cited. They give various other information which will aid the investigator in his search and in estimating the value of a case as authority, by employing a system of signs to indicate the fact whether the citing case explains, follows, limits, distinguishes, or overrules the principal case.

(c) *The Citator*

There is another series of Citation Books known as "The Citator." In this, also, separate volumes are issued for the several states, and the series covers twelve states. The Citators are compiled upon a plan closely similar to that of Shepard's Citations, and by means of a system of code signs show whether the citing cases overrule, follow, limit or distinguish, etc., the cited cases. Cumulative quarterly supplements are issued for the several citators, to keep the original volumes constantly down to date.

(d) *L. R. A. Red Book*

In this connection should be mentioned also the "L. R. A. Red Book." This is a Citation Book designed to show where any case reported in the Lawyers' Reports Annotated has been cited in the notes to a case subsequently reported in that series. An exhibit from this volume will be found in Reference Book, pp. 753-756. All or the greater part of the contents of the Red Book is duplicated in the "L. R. A. Cases as Authorities," described above in § 4 (b).

(e) *Miscellaneous*

In various states, special Citation Books have been published. Naturally, they vary greatly in accuracy, thoroughness, and general excellence.

As with many other Search Books, the use of all Citation Books is subsidiary to that of other publications. They are not books in which to begin a search for precedents, but may be used to supplement a search begun in books of secondary authority, or in the statutes. In Chapter XV, the use of citation books is fully discussed, and the Reference Book contains pages illustrative of their construction.

§ 7. Tables of Cases

Tables of cases, though not always published as separate books or volumes, may nevertheless be fairly regarded as falling within the general class of Search Books. These tables appear in four or five general forms: (1) Tables of cases reported; (2) tables

of cases cited; (3) tables of parallel citations; (4) tables of cases digested; and (5) tables of cases affirmed, reversed, or modified. The purpose and use of these various tables will appear from time to time in subsequent chapters, when we come to discuss the methods of finding the law. At this point only a general description of their form and purpose will be given.

(a) *Tables of Cases Reported*

These are lists of cases reported in a particular volume of reports, and are usually to be found in the front part of the volume. The purpose is, of course, to aid the lawyer in finding a particular case of which he has the title, but not the citation, or for which he has an erroneous citation. For example, if he has been referred to the case of *Cragg v. Levinson* as an Illinois case, decided early in 1909, he can, by examining the tables of cases contained in the volumes of Illinois reports of about that time, soon determine that the case is reported in 238 Illinois, page 69. So, too, suppose he had been cited to *Cragg v. Levinson*, 238 Ill. 96. Turning to that page, he would have found that the case he was referred to is not reported on that page. Consulting the table of cases reported will, however, give him the correct page, 69.

Such tables are to be found in all state reports, in the National Reporter System, in the selected case series, and in the special reports. Tables of cases reported are usually direct—that is to say, the titles of the cases are given as they appear in the case, alphabetically arranged by the name of the appellant. But in some tables the reverse titles are also given—that is to say, the title is also given in a reversed form, with the name of the defendant or respondent first, as in the tables in the bound volumes of the National Reporter System and the tables for the Federal Cases contained in the Federal Cases Digest.

Some series of reports have cumulative tables of cases reported, published in separate volumes. This puts the list of cases in a very convenient form, and reduces to a minimum the labor of locating a particular case in the volumes of the series. For example, such a separate cumulated table is of special value when the investigator wishes to ascertain whether a particular case appears in one of the selected case series, for it enables him to get this information without the necessity of looking in the tables of a large number of separate volumes. Tables of this kind have been prepared for the *Lawyers' Reports Annotated*, the *American State Reports*, and the *American and English Reports Annotated*, and will be found either published by themselves or in the digests of those series. The table of cases in the *Decennial Digest* will perform the same service in connection, not only with all *Reporters and State Reports*, but also with the selected case series.

In general, it may be said that, if no table of cases reported is available, the table of cases digested contained in the digest to the particular series of reports can be resorted to for the desired information.

For example, suppose the investigator has been cited to the case of *Nichols v. Peck*, 70 Conn. 439, and desires to locate it in one of the selected case series, if possible. By examining the tables of cases in Green's Digest of the American State Reports or the L. R. A. Digest, the case of *Nichols v. Peck* may be located in 66 Am. St. Rep. 122, and in 40 L. R. A. 81.

(b) *Table of Cases Cited—In Text-Books*

In nearly all text-books, tables are found showing what cases have been cited by the author in his text or in the footnotes. These tables are useful for the purpose of discovering comments on a particular case, and thus getting information by which the case may be valued as authority. They also aid one to discover a text-book discussion of the principle involved in a known case. When such discussion has been located, additional cases more or less in point will frequently be discovered in the footnotes. For these and other purposes, such a table is often available. Their use is explained and illustrated in a subsequent chapter on the methods of using text-books.

(c) *Same—In Reports*

In some reports, also, tables of cases cited in the cases reported therein are included. The purpose of such a table is, of course, to lead the investigator to other cases involving the same principle as that which he has discovered in his previous search. Some years ago these tables were usually included in reports, and they may still be of value. As a rule, however, they have been superseded by the use of Citation Books, which give similar information in a far more convenient and available form.

(d) *Tables of Parallel Citations*

As there are several systems of publishing decisions of the courts of this country, and as these reports duplicate each other to a very considerable extent, the custom of giving parallel citations has grown up in recent years among law publishers. That parallel citations should be given is an important matter to the profession, since it greatly increases the convenience of using all classes of books. Therefore, in buying a new law book of any kind, one of the first things to be observed in testing the thoroughness of the work is whether it contains parallel citations to the different series of standard reports. Practically all, if not all, important law publishing houses now make a point of including the parallel citations. In text-books particularly the omission of them is to be regarded as an indication of inferior work.

This view having prevailed only in recent years, there are still many text-books which do not contain citations to the various systems of reports in which the cases cited will be found. For this and other reasons, occasions will often arise when citations to more than one set of reports are desired. For the purpose of meeting this need, Tables of Parallel Citations have been compiled for use in connection with each standard set of nonofficial reports. These tables give, with or without the title of the case, the citation for each case in the official report and the corresponding citation in one or more of the nonofficial series.

(e) *Same—Reporter Blue Books*

A good example of the parallel citation tables is found in the Blue Books of the National Reporter System, illustrations of which may be found in the Reference Book, pp. 765 to 788.

It often happens that, when a case is cited from the official State Reports only, it is desirable to find the case in the volumes of the National Reporter System. This is easily accomplished by means of the Reporter Blue Books, published in connection with each Reporter. These books are arranged alphabetically by state, and under each state by volume number of the state reports. They contain tables of cases in the volumes of State Reports issued since the establishment of the Reporter, showing the page where each case begins, arranged in numerical order. Opposite this are given the page and volume of the Reporter where the case is to be found. The Blue Books also contain alphabetical tables of the cases in State Reports, with the proper Reporter citation for each. For example, if the case of *Nichols v. Peck* is cited as 70 Conn. 439, and it is desired to look up the case in the Reporters, go to the Blue Book of the Atlantic Reporter (Reference Book, p. 765), turn to the table of cases for volume 70 Connecticut Reports, and in this table, opposite the number 439 will be found cited volume 39 Atl., page 803, which is the correct Reporter citation of the case in question. The Blue Books are continued and kept up to date by "blue tables" placed at the back of the current bound volumes of the several Reporters.

These tables are used in translating an official citation into the corresponding Reporter citation.

(f) *Same—Reverse Front Tables*

There is also issued for each volume of the Reporters a table known as the "Reverse Front Table." These tables are skeleton tables—i. e., showing merely volume and page of the reports, without the title. They should be found pasted on the inside of the front cover of the Reporter volume. The purpose of these tables is to translate a Reporter citation into a state report citation. For example, if the case of *Nichols v. Peck* is cited as 39 Atl. 803, and

the state citation is desired, turn to the Reverse Front Table, pasted in the front of volume 39 of the Atlantic Reporter, and opposite the page number 803 will be found the state citation, 70 Conn. 439. This illustration may be followed by turning to the Reverse Front Table in the Reference Book, p. 789.

(g) *Same—Parallel Tables for Selected Case Series*

A parallel citation table has also been published for each of the selected case series. Illustrative pages from the tables for the Lawyers' Reports Annotated will be found on pages 758 through 760 of the Reference Book, and on pages 761 through 764 are illustrative pages from the Trinity Series Parallel Tables.

It will be observed that the construction is the same in both tables. They are arranged by state, and under each state by volume of the state reports. The state citation for each case reported in the selected case series is given in the left-hand column of the table, showing the first and last page of the report in the state series. The right-hand column shows the volume and page of the selected case series, where the same case appears. In no instance is the title of a case given.

(h) *Same—Miscellaneous Parallel Tables*

In the older reports cases decided in the United States Circuit and District Courts are cited by the volumes of the old federal reports which were privately reported. A set of blue tables was prepared to show where such cases are reported in Federal Cases. This table will be found in the Digest to the Federal Cases.

(i) *Tables of Cases Digested*

In all good digests there is included a table of cases digested, showing the title of the case, the volume and page where it is reported, and the topic and section of the digest where the various points decided in the case are digested. The purpose of such a table is obvious. It enables the lawyer who has found one case involving the proposition of law in which he is interested to locate such case in the digest, and thus find in the same place the other cases involving the same proposition. Excellent examples of this class of tables will be found in the American Digest System. Such tables are of great assistance in the search for authorities, and are applicable to many uses, which will be explained in detail in later chapters. As already mentioned, in the absence of a table of cases reported, a table of cases digested will serve also as a table of cases reported in the particular series of reports covered by the digest.

(j) *Same—Decennial Table of Cases*

The most extensive table of this kind is the "Table of Cases Digested in the Century and Decennial Digest." This table, covering as it does all the American cases from the beginning down to and including September, 1906, includes about 800,000 titles. It occu-

pies the last five volumes of the Decennial Digest and has simplified the use of the American Digest System in many ways.⁵

The Decennial Table serves three distinct purposes. In the first place, it indicates where each point of each case is digested in the Century or Decennial Digest (depending on when it was reported). This enables the investigator, who has in any manner found one case involving his proposition, to locate all other cases on his point prior to 1907 by simply looking up the title of such case in the table of cases.

Secondly, the Decennial Table will serve as a general parallel citation table for all cases within the period covered, since it gives the parallel citations to the official reports, to the National Reporter System, to the Lawyers' Reports Annotated, and to the Trinity Series.

Finally, in most instances, it will serve as a table of cases affirmed, reversed, or modified, since it shows specifically whether a case has been affirmed, reversed, or modified, by a later decision in the United States Supreme Court, and shows also either specifically or by implication, whether there is a later decision on the same case in the same or a higher court in the same jurisdiction.

(k) *Tables of Cases Affirmed, Reversed, or Modified*

There are, too, in some digests, tables showing by what subsequent decisions cases digested in preceding volumes have been affirmed, reversed, or modified. Such tables will be found in the American Digest, Key-Number Series. Their use will be explained in the proper place in Chapter XV.

§ 8. **Tables of Statutes Construed**

Among the tables that are of great value to the brief maker are tables of statutes construed. Such tables will be found in nearly all state digests, in all the advance sheets and bound volumes of the National Reporter System, and in some of the state reports. These tables give the citation of the statute by chapter, title, article, or section, as the case may be, and indicate by a proper reference the places where will be found a report or digest paragraph of the case in which such statute is construed by the courts. The use of such tables will be referred to in Chapter VII, in connection with the examination of statutes.

⁵ Illustrative pages from this table are given in the Reference Book, pp. 408 to 419.

PART II

HOW TO FIND THE LAW

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CHAPTER VII

ANALYSIS OF FACTS—EXAMINATION OF STATUTES

- § 1. Introduction.
- 2. Necessity of System.
- 3. Analysis of Facts.
- 4. Provisional Hypothesis.
- 5. Determination of Principle.
- 6. Examination of Statutes.
 - (a) Condensations and Originals.
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 - (e) Construction of Statutes.
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- 7. The Search for Precedents.

§ 1. Introduction

The young lawyer, on his admission to the bar, may be equipped with a very complete knowledge of the theory and principles of the law; yet, with the coming of his first client, he finds himself confronted by a practical difficulty with which his theoretical knowledge will not enable him to cope. He may, indeed, be reasonably certain that his client's case is governed by a certain legal principle; but this certainty does not solve his problem. He must be able to convince the court that he is right, and to do this he must be able to show the court that his theory of the case is supported by authority—authority, not only supporting the general principle, but also applying that principle to facts similar to the facts in the present case. The first step, then, that he must take, is to make a careful search for authorities that will support his theory of his client's case.

It is obvious that success in the search for authorities is dependent to a large extent on the method pursued by the investigator. The object of his search, it must be remembered, is not merely to determine the exact principle of law governing the facts in the case, but also to discover authorities applying the principle to like facts. This last phase of the search is most important.

The courts, nowadays, are governed largely by precedent, and this imposes on the advocate the necessity of supporting his client's cause by concrete authorities—cases “on all fours” with, or at least analogous to, the case at bar.

It is not the purpose of the following chapters on “How to Find the Law” to lay down any hard and fast rules which must be followed, or to insist that this or that method must be pursued to the exclusion of any other. Some practitioners, in searching for authorities, depend largely on text-books; others depend rather on the encyclopædias; while those of a third class turn usually to the digests. There are comparatively few lawyers who own or have access to a complete library. Moreover, not every case which arises will justify the expenditure of time and energy necessary to an exhaustive search through the books. Often an attorney is required to give his client a prompt opinion, which, however, must necessarily be based upon a brief study of the books. If he is to do so accurately, he must understand the use of his books thoroughly, so that he may spend the small time allowed him to the very best advantage.

On the other hand, a case of any importance requires a thorough search for authorities in all the various different classes of books available, especially if it is to be carried into court. In such a search, the attorney will find himself wandering up blind alleys that lead nowhere, unless he understands, not only the purpose and theory, but the particular features and use, of each publication that he intends to use.

The books of each class are designed to serve a particular purpose or purposes, and would usually do so better than those of any other class. Thus, text-books and encyclopædias may generally be regarded as better adapted to the study of legal principles, aside from the search for precedents, than is a digest. But a digest is better suited to serve as an index to cases than is either a text-book or an encyclopædia, and, if properly compiled, can be used satisfactorily in a search for precedents from the point of view of the principle involved.

But no matter for what particular purpose a book is designed, no matter how well adapted it is to that purpose, the practitioner will usually get the best results from the use of the books with which he is most familiar. The object of this and the succeeding series of lessons is to make the reader familiar with all kinds of books. Without such familiarity he will find that, the larger his library, the greater will be his confusion, while, if he knows the purpose and peculiarities of each set, he need waste no time in vague and futile wanderings.

§ 2. Necessity of System

As remarked above, it is not the intention to lay down any hard and fast rules for finding the law—rules that must be followed irrespective of conditions. The purpose is rather to outline for the reader certain methods of using the tools of the legal profession that have been proved to be good—to point out certain paths through the wilderness of law books, which, if carefully followed, will lead the brief maker to his destination by the shortest and surest way and with the least expenditure of time and labor. But it must be impressed upon the reader **from the very start** that in order to make any headway he must have a definite end in view, and must stick to the path he chooses and not go wandering around among the books and authorities in a desultory way, with the hope that chance will eventually lead him to the desired goal. The brief maker should have a definite problem to solve, a definite proposition on which he wishes to find authorities, and this problem should be kept constantly in mind. Experience has shown what reason suggests—that the end desired can be attained only by conducting the search for authorities in a systematic manner and in accordance with some definite, prearranged plan. No effective result can be obtained by a haphazard and superficial examination of the sources of the law. Whatever method is adopted for making the search, it must be followed consistently, with the eye constantly fixed on the goal.

§ 3. Analysis of Facts

Every statement of facts which forms the basis of a right of action or defense, no matter how simple or how complex, presents one or more distinct problems, and on the solution of these problems the result of the action depends. The first step, therefore, in looking up the law, is to make a careful examination of the statement of facts submitted and a minute analysis of its component parts, for the purpose of determining just what are the problems presented by those facts. It is undoubtedly true that the failure to find satisfactory authorities is often due to a superficial view of the facts, and a defective analysis of the problem. The bones and sinews of every case are its facts, and they must be mastered in every detail.

In every statement of facts, as submitted by the client, there is much irrelevant matter. Naturally, a client untrained in the law, and above all inexpert in modes of expression, is unable to state his case so succinctly that some facts not pertinent thereto will not enter into his statement. This irrelevant matter should be eliminated at the start, and the statement thoroughly studied and analyzed, so that the salient points may be selected and their relations to each other comprehended. These facts must be kept constantly in mind during the search for and examination of authorities. Con-

centration of attention is absolutely essential to success in looking up the law. If the mind is allowed to wander from the facts, the authorities found will inevitably be inapplicable and irrelevant.

§ 4. Provisional Hypothesis

The important object to be attained by this careful analysis of the facts is the determination of the legal problem presented by those facts, and the principle of law that probably governs—that is to say, the formulation of a provisional theory of the case. This provisional hypothesis should be merely a working hypothesis—not necessarily the fixed theory of the case on which it is finally tried. It is not a theory which must be established at all hazards. Investigation may, indeed, prove the hypothesis to be wholly wrong; yet it will have served its real and effective purpose, which is to give a definite direction to the search for authorities. Even if the investigation proves it to be a false hypothesis, it will probably point out the true theory of the case.

It must be remembered that the real purpose of the analysis of the facts and the search for authorities is not necessarily to establish a preconceived theory, but rather to ascertain the law, so that the attorney may formulate a theory that will be acceptable to the court as a reason for enforcing his client's rights. The prime object of a provisional hypothesis is to formulate the problem; and quite often it will serve this purpose better if put in the form of a succinct question than if drawn in that of a statement or rule of law.

It is obvious that, to be of value, the formulation of this provisional hypothesis calls for a careful and discriminating analysis of the facts and the law. Although provisional, it must be the result of a thorough and logical analysis, and not a conclusion carelessly and hastily drawn from a superficial examination of the facts. The more carefully this provisional hypothesis, which is to determine the direction and extent of the search for authorities, is searched for and tested, the more certainly will an investigation along the lines indicated by such hypothesis, lead to the end desired.

§ 5. Determination of Principle

It has been assumed that the brief maker is conversant with the general principles of the law, and that, having determined the problem presented by the case, he is able to settle upon some principle which will govern. If he cannot, he must, of course, resort to the text-books pertaining to the subject indicated by the problem, and review the principles of that particular branch of the law. This is the primary purpose of text-books and encyclo-



Ch. VII) ANALYSIS OF FACTS—EXAMINATION OF STATUTES

§ 6

pædias—to present in clear, concise language accurate statements of the settled principles of the law, and, as might be expected, the clearest knowledge of these principles is to be obtained from text-books and encyclopædias. Therefore, when the brief maker is in doubt as to the principle of law by which his case is governed, he will do well to consult these books for a general discussion of the subject within which such principle falls.

In the vast majority of cases, however, the broad general principles involved are well and easily recognized, and it is their application to a definite narrow set of facts with which the investigator is concerned; that is, he wants precedents—cases where those principles have been applied to the same or closely similar facts.

§ 6. Examination of Statutes

Assuming that the problem has been clearly formulated in a provisional hypothesis, and that the general principles involved are recognized, the first step in the investigation is to discover whether the case is governed by any provision of the constitution or statutes.

It may be that the lawyer will see, at the very beginning of his study of the facts, that the case is governed by some provision of the constitution or statutes. In that event his course is plain. He must verify his conclusion by actual examination of the constitution and statutes, and then he can proceed at once to find application of that statutory or constitutional provision to cases similar to his own, or of a similar provision in some other jurisdiction to such cases.

On the other hand, in many, if not most, cases there will be nothing on the face of the statement of facts to suggest that any principle of constitutional law or any particular statute is involved. Nevertheless, the investigator should in all cases ascertain at the very outset whether, in fact, there is any constitutional or statutory provision that will affect the case.

Accordingly, the first sources in which a search for the law should be made are always the constitution and statutes. One should never take it for granted that he is so familiar with the constitution and statutes, even of his own state, that he can determine, offhand, whether or not there is any provision governing his facts, or, if he recalls such a provision, that it is the only one that applies. He should make an actual search for the particular statute and for other provisions in *pari materia*.

Naturally, whenever he finds statutory provisions seemingly governing the case, he must resort to the decisions of the court, to find out how the statute has been construed, and whether it has, as a matter of fact, ever been held to apply in similar cases.

(a) Condensations and Originals

A word of caution is necessary. If it seems probable, or even possible, that the case is governed by a particular provision of the constitution or statutes, the brief maker should prove or disprove that fact by an examination of the constitution or statute itself, and should not rely on any condensation or paraphrase. It is the very words of the statute itself as enacted by the legislature which must govern, and therefore its exact wording should be examined. He should not rely on any secondary sources of information, but only on the actual statute—the primary sources, which are, after all, the only real authority.

(b) Analysis and Index

If the compilation of the statutes is properly made under a logical arrangement, the particular provision may easily be found through examination of the analysis or table of contents prefixed to the statutes, by selecting the particular title, chapter, or article, as it may be designated, which covers the general subject-matter of the point under investigation. Unfortunately, however, many compilations of the statutes are made upon a plan of arrangement that is wholly illogical and inconsistent, so that the analysis conveys but little information. In such instances, resort may be had to the index, and by running down the index word corresponding to the specific subject-matter a direct reference may be obtained to the particular section of the statute applying to the case under investigation.

It is often the case, however, that the index itself is so poorly made as to make it extremely difficult to find the specific subject under any index word that would naturally occur to the investigator. This forces the investigator to call his imagination into play, and by systematic guesswork endeavor to find some index word, however unusual it may be, that might possibly cover the provision for which he is searching. The writer calls to mind an instance of poor indexing which is worth mentioning, as it illustrates the difficulty outlined above. Wishing to ascertain the exact provisions of the statute of frauds of a certain state, he had recourse to the index to the Compiled Statutes of that state. An examination of this index disclosed that there was no index word of "*Statute of Frauds*," or "*Frauds, Statute of*," or even "*Frauds*" alone. There was apparently no index line under any of the index words descriptive of the subject-matter of the statute of frauds, such as "*Sales*," "*Suretyship*," and the like. Finally, as a last resort, recourse was had to the index head "*Fraudulent Conveyances*" as the only other head usually found in digests and indexes which contained the idea of fraud. Under that head was found an index line

giving the section of the statutes where the statute of frauds was set forth. This incident is mentioned merely for the purpose of illustrating the necessity of resorting to all manner of devices, when the index to the statutes is incomplete, or is made without much regard to logic or consistency, or has been carelessly prepared.

(c) *Determining Accuracy of Statute*

It cannot be assumed in every instance that the statute as given, even in an official publication, is precisely accurate. If the collected statutes consulted is a compilation, and not a revision (which last involves re-enactment as a whole), it is well to examine the Session Laws from which the compilation was made, in order to verify the exact terms of the statute as passed by the legislature, and in very important cases, it is sometimes wise to check the Session Laws by an examination of the legislative records, for it will be remembered that in final analysis it is the legislative records themselves which are the ultimate authority regarding the form and wording of a statute. Even when a revision has been re-enacted as a statute, it is sometimes, though very rarely, necessary to go back to the Session Laws, or even to the legislative records, for the purpose of determining whether the revision was intended to make a change in the law. These latter steps, however, are so inconvenient as to be justified only in important cases, and are chiefly precautionary, though observed by careful lawyers where the case under consideration justifies so exhaustive a search.

(d) *Search for Subsequent Legislation*

The original search for statutes just discussed should be made in the latest compilation, revision, or code. But the statutory provision, when found, should not be accepted finally as governing the case until further investigation has been made to determine whether the statute has been modified by subsequent legislation. Search should therefore be made through the Session Laws enacted subsequent to the date of the Compiled or Revised Statutes for the purpose of discovering whether the particular section has been amended. In the second place, a statute may have been repealed by a subsequent act. This may be easily ascertained, as there is usually contained in the volumes of the Session Laws lists of prior statutes that have been repealed. It is also important to examine the subsequent legislation for statutes *in pari materia*, for the reason that, if such statutes are found, it may be discovered that they repeal by implication the former statute, though there may have been no specific repeal of such provision. It is necessary to remember, however, that the doctrine of repeal by implication is very difficult to apply, and is not favored by courts.

(e) *Construction of Statutes*

The general rules of construction of statutes will be discussed hereafter [Chapter XXIV]. All that it is necessary to call attention to, at this time, is the necessity of searching for decisions construing the particular section of the statute involved, for the purpose of determining whether it applies to the case in hand. If the compilation of statutes in use is annotated, decisions construing the particular section are usually to be found easily by means of such annotations. In the absence of such annotations, the investigator should go to tables of statutes construed, which have already been described in Chapter VI, and which may be found either in the state digest or in the volumes of the National Reporter System and the collected tables which appear in the digests of the several Reporters. The various circumstances and considerations which affect the weight of statutes will also be considered at length in a subsequent chapter.

(f) *Constitutions and Ordinances*

While the discussion in the preceding paragraphs has referred chiefly to statutes, strictly so called, what has been said applies as well to other forms of statutory law.

§ 7. The Search for Precedents

No matter what preliminary steps have been taken, the investigator finally reaches the point where all the various paths of investigation converge and unite in the trail of precedents. Whether the case is governed by the general principles of the law or by a statute, sooner or later he is obliged to trace the course of judicial precedents—to search for the concrete applications of principles to facts, or the concrete interpretations of the statute in view of the facts. This implies a systematic search through the text-books, encyclopædias, digests, etc., for authorities—for cases involving similar facts and principles.

Whereas a search for statutory authority will be begun in the statutes themselves, the search for precedents begins in books of secondary authority. This search for specific decisions in point may for convenience be regarded as comprising two distinct and successive processes. The first, and in some respects the more important, is the finding of a first case; that is to say, the finding of a single case that corresponds more or less closely to the case under investigation. The second step is to exhaust the authorities; that is to say, to find all the other cases, in one or in all jurisdictions, involving the same principle and applying it to the same or analogous facts.

Methods of searching for precedents fall naturally into two classes—methods in which the search is made from the standpoint of the principle governing the case under investigation, and meth-

ods in which the search is made from the standpoint of the facts. Generally speaking, one who conducts his search from the first standpoint will begin his investigations in a text-book or encyclopædia; while one who looks rather to the facts as his guide will resort first to the digest. This is not a universal rule, however, because sometimes an investigator, though making his search from the standpoint of the principle, will apply his knowledge of the classification of the digest; and, on the other hand, one who searches from the standpoint of the facts, may get his start—his first authorities—through the text-book or encyclopædia.

Notwithstanding these occasional variations in method, the investigator who uses the principle as the basis of his search will usually and naturally turn first to those books that are especially designed to convey a knowledge of principles—text-books and encyclopædias. It is true that, owing to the limitation of his search by the time of publication of the text-book or encyclopædia, he cannot bring his search down to the immediate present, or exhaust the cases, without resorting, finally, to the digest. The method and use of digests for thus supplementing text-books and encyclopædias will be explained when the general use of each class is considered. Similarly the necessity and manner of using text-books, encyclopædias, and other books for supplementing digests and each other, and rounding out the general search for authorities, will be explained in a subsequent chapter, and we must first consider how each class of books can be used as the starting point of the search.

The distinction above drawn between a search by principle and a search by facts requires qualification and explanation, for, though it is a generally accepted distinction, it is apt to be misleading. Accurately speaking, so far as the practicing attorney is concerned, there can be no such thing as a search purely by principle or purely by fact. Every search for precedents must be made with an eye both to the facts of the brief maker's case and to the principle involved. One who bases his search primarily upon the facts of a case must have in mind some principle which he believes may be applicable to that state of facts, though he need not know or recognize the particular narrow rule that is to solve his problem. In other words, he must recognize the question of law involved. If this were not true, there would be no necessity for the preliminary hypothesis, and no legal knowledge whatever would be needed for the solution of a question of law.

On the other hand, he who bases his search upon the principle of law considers, not an abstract, general principle alone, but such a principle applied to the peculiar facts before him. The broad general principles of law are all well known to the trained lawyer. No man with legal training needs to search his books to learn that "a master is liable to third persons for injury done by his servant in the course of his employment and within its scope." What bothers the brief maker is

the application of such principle, or in other words its interpretation. Was the servant, who under certain circumstances inflicted a particular injury, acting in the course of his employment? Was a particular act within the scope of the employment? Was A. the servant of B. for the purposes of the case? The facts are the sinews of the case, and no search which for a moment loses sight of them can be successful.

Thus, on the one hand, it is only from a general knowledge of legal principles that one can formulate the problem which is presented by a case; while, on the other, it is not a legal principle for which he must look, but a rule hedged and fenced about by facts—the facts of his own case. It cannot be too clearly stated that what the brief maker is after is a case in which the rule which he conceives of as applying to his own case has been applied to similar facts in the past.

Therefore the distinction between a search by principle and a search by the facts is really one of emphasis only. In whatever books the brief maker looks, and whatever his methods of search, he must take account of his facts, and must have, at least “in the hinterland of his mind,” the fundamental principles of law.

It may be added that cases not infrequently arise in which there appears to be no general principle involved, and the search for precedents must be almost wholly based upon the facts. Even so, it is only by reason of general legal knowledge that one can formulate the problem. A single illustration will make this point clear:

A man standing near a railroad track saw a child playing between the rails and a train approaching at high speed. He ran to the child and succeeded in reaching it and pushing it out of danger before the train arrived, but in so doing he was unable to get off the track in time, and was himself injured; the train passing over and cutting off his leg. The man in question was not an employé of the railway company, neither was he a trespasser. He brings action against the railway to recover for the injury which he suffered.

The more this statement of facts is examined, the more difficult it seems to state any general principle upon which this case can be decided. On the other hand, there are authorities in point, and these can be located quite easily, if the search be based upon the facts above given.

CHAPTER VIII

USE OF DIGESTS—MECHANICAL FEATURES OF DIGESTS

- § 1. Introduction.
2. Text-Books or Digests.
3. Digests in General.
4. The Standard Digests.
- (a) The Standard Classification.
 - (b) Same—Main Titles or Topics.
5. Mechanical Features of the Digest.
6. Same—Cross-Reference Titles.
7. Same—Arrangement and Contents of Topics.
- (a) The Scope-Note.
 - (b) Analysis of Topic.
 - (c) Cross-References.
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- (a) Main Divisions and Subdivisions.
 - (b) Permanence of Divisions and Subdivisions.
 - (c) Sections or Black Letter Lines.
 - (d) 2-em Dash Lines and Italic Lines.
 - (e) Permanence of Sections.
 - (f) Analysis of a Topic.
 - (g) Additional Subdivisions of Topics in Century Digest.
9. Same—Cross-References.
- (a) Cross-References under Main Titles.
 - (b) Words and Phrases.
10. Same—Century References.
- (a) Century References in the Decennial Digest.
 - (b) Dummy Lines in Decennial Digest.
11. Same—Pink Table—Table of Century Digest Sections and Their Corresponding Decennial Section Numbers (Key-Numbers).
12. Same—Connecting Century with Key-Number or Other Standard Digests.
13. Same—Tables in the Key-Number Series.
- (a) Table of Reports.
 - (b) Table of Cases Digested.
 - (c) Table of Cases Affirmed, Reversed, or Modified.
14. Same—Cumulative Table of Key-Number Sections in Key-Number Series.
15. Decennial Table of American Cases.
- (a) Arrangement.
 - (b) Citations to Reports, Reporters, and Selected Case Series.
 - (c) Reversals and Affirmances by the United States Supreme Court.
 - (d) Citations to Century and Decennial Digests.
 - (e) Illustrations.
 - (f) List of Abbreviations.
16. Decennial Table of Reports.
17. Descriptive-Word Index to Decennial and All Other Key-Number Digests.
- (a) Contents and Arrangement.
18. How to Read Division Lines of Sections.
- (a) Reading Index Lines.
19. Caution.

§ 1. Introduction

In the preceding chapter the reader was given a general outline of the procedure followed in looking up the law, with a special ref-

erence to those steps that are in the nature of preliminary and preparatory investigations. His attention was called to the necessity of analyzing the facts, of determining the principle, of formulating a provisional working hypothesis, and of examining the statutes which may cover the case, for the purpose of clearing the ground for the search for precedents. It is to that important part of the work—the search for precedents—that our attention will next be given.

§ 2. Text-Books or Digests

Possibly a strictly logical development of the subject would call for an explanation of the use of text-books and encyclopædias before taking up the use of digests, in that a more or less certain determination of the principle underlying the case to be investigated has been presumed as one of the preliminary steps. But in view of the fact that the principle is usually known, and of the further fact that in some instances the principle can be discovered only in the study of decisions involving facts similar to those in the case under investigation, it is deemed best to deal first with the use of digests. Moreover, the use of text-books in connection with digests, and the use of digests to supplement text-books, cannot be explained until the use of digests generally is understood. Therefore convenience of treatment must override considerations based on academic grounds, and we will deal first with the use of digests, assuming that the provisional hypothesis has been formulated and that the statutes have been examined.

§ 3. Digests in General

There are numerous digests for the use of which no rules can be laid down. There are local digests for nearly every state. There are special digests for special series of reports and for special branches of the law. These are the work of different editors, are compiled on different plans or theories of classification, and are of all degrees of excellence. There is no uniformity in classification or arrangement, or in the mechanical or typographical devices designed to facilitate their use. As to these nothing can be said, except that each digest must be studied by itself, and its classification and arrangement examined carefully. The principles of digesting have in recent years become quite well settled, and digests not conforming thereto had much better be avoided, if a standard digest is accessible.

Obviously it would be impossible to make any general explanation or formulate any general rules for the use of digests of the character mentioned above. It is just as obvious that the narrow range of local and special digests affords but little opportunity for illustration and explanation of methods or deduction of rules, how-

ever well any particular specimen of these digests is prepared. If we are to find rules that are applicable to digests generally, they must be based on general digests, wide in their scope, and which are recognized as standard in form, classification, and arrangement. Many local and special digests have of late been published which follow the theory and sometimes the actual classification of the more general publications, so that an explanation of the latter will to a large extent be directly applicable to them, and the rules for use of the latter are applicable to them, with little or no modification.

§ 4. The Standard Digests

The digests of the American Digest System, and the local and special digests that have adopted the classification and general arrangement of the American Digests, are in every sense of the word standard digests. These digests have been described in Chapter V, and are listed in Chapter 6, list (g), of the Appendix. They are compiled on a system of classification which is at once practical, consistent, and fixed. The same scheme of division into topics is used in all the digests of the system, and this scheme has been used as a model for many local and special digests, and the number of Standard Digests is steadily increasing. Then, too, it happens that the American Digest System is the only one that digests all the authorities—the whole body of American case law. It is, therefore, especially adapted to serve as the basis for an explanation of the methods to be pursued in searching for precedents and in exhausting the authorities. For these reasons, the explanation of the use of digests is based on the American Digest System.

Before entering on an explanation of the method of using the digest, it is necessary to describe briefly both the classification and what we may call the mechanical features of the digests. For the purpose of showing more clearly the construction and use of digests there are inserted below pages 1917, 1918, 1919, and 1920 from Vol. 3, American Digest, Key-Number Series. The page numbers will be found at the top of the page, inclosed in brackets.

(a) *The Standard Classification*

As the reader already knows, the American Digest System now consists of the three separate and distinct sets of books, known as the Century Digest, the Decennial Digest, and the Key-Number Series.¹ No one of these sets duplicates any of the subject-matter (digest matter) of either of the others. Together they cover every American case from earliest times down to the date of the current volume of the Key-Number Series.

¹ The Monthly Digest being in the nature of advance sheets of the Key-Number Series, its issues are practically never used after the permanent volumes to which they correspond are published.

Of newly discovered evidence as affecting right to new trial, see "Criminal Law," § 940; "New Trial," § 103.
Of testimony as element of perjury, see "Perjury," § 11.

MATERIALMEN.

Right to mechanic's lien, see "Mechanics' Liens," § 108.

MATERIALS.

For construction of public improvements, see "Municipal Corporations," § 282.
Right to mechanic's lien for materials furnished, see "Mechanics' Liens," § 48.

MATURITY.

Of bill or note, see "Bills and Notes," § 129.
Of principal, as fixing time from which interest runs, see "Interest," § 45.
Of shares in building and loan associations, see "Building and Loan Associations," § 12.
Rate of interest after maturity of debt, see "Interest," § 37.

MAXIMS.

Of construction of statutes, see "Statutes," § 17.
Of equity, see "Equity," §§ 51-66.

MAYHEM.

[No paragraphs or references in this Digest. But see 34 Cent. Dig. Mayhem.]

MAYOR.

See "Municipal Corporations," § 168.

MEASUREMENTS.

Measuring persons accused of offenses as infringement of personal liberty, see "Constitutional Law," § 83.
Rule requiring measurement of persons suspected of offenses as exercise of judicial functions by executive officers, see "Constitutional Law," § 79.
Taking measurements of person accused of crime after admission to bail as criminal libel, see "Libel and Slander," § 141.

MEASURE OF DAMAGES.

See "Damages," §§ 95-126.

MEASURES.

See "Weights and Measures."

MECHANICS' LIENS.

I. NATURE, GROUNDS, AND SUBJECT-MATTER IN GENERAL.

- § 3. Constitutional and statutory provisions.
- § 5. Construction of lien laws in general.
- § 15. Estates or interests which may be subject to lien.
- § 20. — Leaseholds.

II. RIGHT TO LIEN.

(A) Nature of Improvement.

- § 26. Improvement, alteration, or repair of building.
- § 31. Apparatus for heating, cooking, water supply, or lighting.
- § 32. Machinery.

(B) Services Rendered and Materials Furnished.

- § 43. Materials prepared or furnished, but not used.

(C) Agreement or Consent of Owner.

- § 56. Ownership or possession of land.
- § 59. — Purchaser under executory contract.
- § 69. Authority to contract or consent.
- § 71. — Husband or wife.
- § 72. — Agent or other representative.

II. RIGHT TO LIEN—Cont'd.

(C) Agreement or Consent of Owner—Cont'd.

- § 73. Form and requisites of contract or consent.
- § 75. Implied contract or consent.
- § 78. Notice or protest by owner to prevent lien.

(D) Persons Entitled in General.

[No paragraphs or references in this Digest. But see 34 Cent. Dig. Mech. Liens, §§ 112-125.]

(E) Subcontractors, and Contractors' Workmen and Materialmen.

- § 96. Agency of principal contractor for owner.
- § 101. Effect of stipulations in principal contract.
- § 104. — As to payment.
- § 106. Subcontractors of subcontractor.
- § 107. Employés of contractors or subcontractors.
- § 108. Persons furnishing materials to contractors or subcontractors.
- § 115. Payment to principal contractor.

III. PROCEEDINGS TO PERFECT.

- § 117. Notice to owner.
- § 121. — Time for notice.
- § 122. — Form and requisites.
- § 125. — Operation and effect.
- § 130. Filing one or more claims against different buildings.
- § 131. Place for filing claim or statement.
- § 132. Time for filing claim or statement.
- § 133. Form and contents of claim or statement.
- § 134. — In general.
- § 135. — Designation of parties.
- § 136. — Description of property.
- § 137. — Ownership or possession of property.
- § 139. — Description of services or materials.
- § 142. — Statement as to terms of contract.
- § 144. — Statement as to performance of contract.
- § 146. — Statement as to time of rendering services or furnishing materials.
- § 149. — Itemized statement or account.
- § 154. Verification of claim or statement.
- § 158. Amendment of claim or statement.

IV. OPERATION AND EFFECT.

(A) Amount and Extent of Lien.

- § 161. Amount secured in general.
- § 162. Limitation to amount payable under contract.
- § 164. — Subcontractors, and contractors' workmen and materialmen.
- § 165. Time of accrual or commencement.
- § 170. — Delivery of materials.
- § 174. Duration.
- § 176. — Effect of proceedings for enforcement.

(B) Property, Estates, and Rights Affected.

- § 181. Extent of land affected.
- § 182. — In general.
- § 183. — Separate lots or buildings.
- § 184. Buildings.
- § 185. Fixtures.
- § 188. Estate or interest of person creating or consenting to lien.
- § 191. — Leasehold.
- § 192. Lien on reversion of landlord for improvements by tenant.

(C) Priority.

- § 197. Conveyances in general

V. ASSIGNMENT OF LIEN OR CLAIM.

[No paragraphs or references in this Digest. But see 34 Cent. Dig. Mech. Liens, §§ 375-380.]

VI. WAIVER, DISCHARGE, RELEASE, AND SATISFACTION.

(A) Waiver of Right to Lien.

- § 207. Agreements not to claim lien.
- § 209. Implied waiver in general.
- § 212. Taking collateral security.
- § 214. Recovery of judgment for debt.

(B) Bond or Deposit to Prevent or Discharge Lien.

- § 223. Form and requisites of bond.
- § 225. Deposit as security.
- § 228. Actions on bonds.

(C) Extinction, Release, or Payment.

- § 235. Delay in assertion or enforcement of lien.
- § 210. Payment to subcontractors or contractors' workmen or materialmen.

VII. ENFORCEMENT.

- 245. Nature and form of remedy in general.
- 251. Restraining enforcement.
- 252. Joinder of liens in same proceeding.
- 253. Defenses in general.
- 254. Set-off and counterclaim.
- 256. Persons entitled to contest in general.
- 257. Contest by contractors of liens of subcontractors, workmen, and materialmen.
- 258. Jurisdiction.
- 260. Time to sue, limitations, and laches.
- 269. Pleading.
- 271. — Declaration, bill, complaint, or petition.
- 275. — Demurrer.
- 277. — Issues, proof, and variance.
- 278. Evidence.
- 279. — Presumptions and burden of proof.
- 280. — Admissibility.
- 281. — Weight and sufficiency.
- 286. Trial or hearing.
- 288. — Questions for jury.
- 290. — Verdict and findings.
- 291. Judgment or decree.
- 293. Sale.
- 294. — In general.
- 301. Deficiency and personal liability.
- 304. — Personal judgment against owner.
- 305. — Personal judgment against contractor.
- 310. Fees and costs.

VIII. INDEMNITY AGAINST LIENS.

- § 317. Actions on bonds.

- Lien for manufacture or repair of personal property, see "Liens," §§ 9, 18½.
- Lien of contractors and subcontractors for construction of canals for irrigation of arid state lands, see "States," § 108½.
- Liens for construction and repair of vessels, see "Maritime Liens."
- Liens on money due contractors for public improvements, see "Municipal Corporations," § 373; "States," § 108½.
- Liens on railroad property for labor and supplies, see "Railroads," § 159.
- Mining liens, see "Mines and Minerals," §§ 111-113.
- Regulation of rights to property, transfers, and incumbrances by special laws, see "Statutes," § 82.

I. NATURE, GROUNDS, AND SUBJECT-MATTER IN GENERAL.

§ 3. Constitutional and statutory provisions.

- See 34 Cent. Dig. Mech. Liens, § 4.
- Subjects and titles of acts relating to mechanics' liens, see "Statutes," § 115.

§ 5. Construction of lien laws in general.

- See 34 Cent. Dig. Mech. Liens, §§ 3, 5.
- [a] The mechanic's lien law should be liberally construed to effectuate its purpose.
- (N. D. 1907) *Salzer Lumber Co. v. Claffin*, 113 N. W. 1036;
- (Tenn. 1907) *S. B. Luttrell & Co. v. Knoxville, L. & J. R. Co.*, 105 S. W. 565.

- [b] (*Ind. App.* 1908)
- While the mechanic's lien statute must be strictly followed in securing the lien, the law must be construed in accordance with the principles of substantial justice.—*Williamson v. Shank*, 83 N. E. 641.

§ 7. Effect of change or repeal of lien laws.

- See 34 Cent. Dig. Mech. Liens, §§ 9, 10.
- [a] (*Ill. App.* 1906)
- The act in force at the time the contract in question in the case was made is the law which governs the enforcement of the right.—*McNicholas v. Tinsler*, 127 Ill. App. 381; *Kelly v. Springer, Id.*; *Campbell v. Same, Id.*

§ 15. Estates or interests which may be subject to lien.

- See 34 Cent. Dig. Mech. Liens, §§ 17-22.
- Estates or interests affected by lien, see post, § 187-192.

§ 20. — Leaseholds.

- See 34 Cent. Dig. Mech. Liens, § 21.
- Leaseholds affected by lien, see post, § 191.

- [a] (*Kan.* 1907)
- A mechanic's lien will not attach to the interest acquired in lands by the lessee under an ordinary oil or gas lease, notwithstanding oil or gas is discovered.—*Phillips v. Springfield Crude Oil Co.*, 92 P. 1119, 76 Kan. 783; *Martin v. Same, Id.*

- [b] (*Okla.* 1907)
- A lessee holding under a lease from the school land leasing board is an owner of land within the mechanic's lien law, and the lien may attach to such leasehold interest, subject to the paramount interest of the United States, the lessor, or the holder of the fee.—*Block v. Pearson*, 91 P. 714.

- [c] (*Okla.* 1907)
- Where one erects a building, and material furnished is not paid for, a materialman's lien may be had, though the person for whom the building was erected is not the owner of a legal title but only of a leasehold estate.—*Crutcher v. Block*, 91 P. 895.

- [d] (*Okla.* 1907)
- Under Code Civ. Proc. § 619 (*Wilson's Rev. & Ann. St.* 1903, § 4817), authorizing mechanics' liens, such a lien may attach to a leasehold, and is not affected by the fact that the fixtures and machinery on the leased premises may be considered personal property, and is not limited by the fact that the lessee is entitled to remove his buildings, fixtures, and machinery from the premises.—*Jarrell v. Block*, 92 P. 167.

- [e] (*Okla.* 1907)
- A lessee of school land, the title to which is in the government, is the owner, within Code Civ. Proc. § 619 (*Wilson's Rev. & Ann. St.* 1903, § 4817), authorizing mechanics' liens.—*Jarrell v. Block*, 92 P. 167.

II. RIGHT TO LIEN.

(A) NATURE OF IMPROVEMENT.

§ 26. Improvement, alteration, or repair of building.

- See 34 Cent. Dig. Mech. Liens, § 27.
- [a] (*N. Y. Sup.*)
- Under Mechanic's Lien Law, Laws 1897, p. 515, c. 418, § 2, providing that the term "improvement," when used in the law, includes the erection, alteration, or repair of any structure on or connected with real property, etc., a person performing labor or furnishing material for repairs upon such a structure may have a lien upon the property.—(1907) *Una Elevator Co. v. Deeves*, 107 N. Y. S. 63, 56 Misc. Rep. 565, rehearing denied (1908) 108 N. Y. S. 718, 57 Misc. Rep. 632, and judgment affirmed (1908), 110 N. Y. S. 124.

§ 31. Apparatus for heating, cooking, water supply, or lighting.

- See 34 Cent. Dig. Mech. Liens, § 26.
- [a] (*Or.* 1908)
- Where electric wires are inserted in a building so as to indicate an intention to make them fixtures, they become the property of the owner of the building, and may therefore be the proper subject of a mechanic's lien, under B. & C. Comp. § 5640.—*Rowen v. Alladio*, 93 P. 929.

§ 32. Machinery.

- See 34 Cent. Dig. Mech. Liens, § 27.
- [a] (*N. Y. Sup.* 1908)
- Mechanic's Lien Law, Laws 1897, p. 516, c. 418, § 3, gives a contractor performing labor or furnishing materials for the improvement of real property a lien therefor. Section 2 (page 515) provides that the term "improvement" includes the erection, alteration, or repair of any structure connected with real property, and any work done on such property or materials furnished for its permanent improvement. Section 22 (page 525) requires a liberal construction. *Held*, that machinery purchased for the purpose of fitting up an empty building as a man-

ufacturing establishment, and by the installation of which it was so altered, was an improvement entitling the contractor furnishing the same to a lien.—*Griffin v. Ernst*, 108 N. Y. S. 816, 124 App. Div. 289.

(B) SERVICES RENDERED AND MATERIALS FURNISHED.

Description in claim or statement of lien, see post, § 139.

§ 48. Materials prepared or furnished but not used.

See 34 Cent. Dig. Mech. Liens, § 51.

[a] (U.S. C.C., W. Va., 1907)

More allegation and proof that machinery sold by complainant was to be placed or used in a mill are not sufficient to sustain a suit to enforce a mechanic's lien therefor under the statute of West Virginia giving a lien for the price of "machinery for constructing, altering or repairing a house, mill * * * or other structure," without further proof that such machinery was intended to be and was so used as to become a part of the realty.—*Canton Roll & Machine Co. v. Rolling Mill Co. of America*, 155 F. 321; *Sturgiss v. Same*, Id.

[b] (Ark. 1907)

The statute, giving a lien for materials for any building furnished under contract with the owner or contractor, only gives a lien for materials actually used in the construction of the building for which they were furnished.—*Central Lumber Co. v. Braddock Land & Granite Co.*, 105 S. W. 583, 84 Ark. 560.

[c] (N. J. 1907)

In a suit to enforce a mechanic's lien under P. L. 1898, p. 538, where it appears that the materials were furnished for the building and delivered to defendants or their agents in good faith, it is no defense, in the absence of fraud on the part of the creditor, that there may have been a failure to use the materials thus furnished in whole or in part or a diversion of the same from the purpose for which they were intended.—*Bell v. Mecum*, 68 A. 149; *Wistar v. Same*, Id.

(C) AGREEMENT OR CONSENT OF OWNER.

Statement as to terms of contract in claim of lien, see post, § 142.

Stipulations in contract as affecting right of sub-contractor or materialmen to lien, see post, §§ 101-104.

§ 56. Ownership or possession of land.

See 34 Cent. Dig. Mech. Liens, §§ 64-76.

Statement as to ownership or possession in claim of lien, see post, § 137.

§ 59. — Purchaser under executory contract.

See 34 Cent. Dig. Mech. Liens, §§ 75, 76.

[a] (N. D. 1907)

Under Rev. Codes 1905, § 6248, providing that every person for whose immediate benefit any building is erected shall be included in the words "owner thereof," a vendee under a contract for the purchase of land under the crop payment plan is included.—*Salzer Lumber Co. v. Clafin*, 113 N. W. 1036.

[b] (N. D. 1907)

A materialman furnishing lumber to the occupant of land for a building on such land, which is held by such occupant as vendee under a contract for the purchase of the same under the crop payment plan, is entitled to a lien on the building and the vendee's interest in the land, when he has duly filed a claim for such lien.—*Salzer Lumber Co. v. Clafin*, 113 N. W. 1036.

§ 69. Authority to contract or consent.

See 34 Cent. Dig. Mech. Liens, §§ 84-86.

§ 71. — Husband or wife.

See 34 Cent. Dig. Mech. Liens, § 85.

[a] (Okla. 1907)

Under Wilson's Rev. & Ann. St. 1903, § 4817, providing that any person furnishing materials for any building shall have a lien on the land of the buildings for the amount due, one who under contract with the husband of the owner of the land furnishes material for building on said land is entitled to a lien for the amount due for the material.—*Block v. Pearson*, 91 P. 714.

§ 72. — Agent or other representative.

See 34 Cent. Dig. Mech. Liens, § 86.

[a] (Pa. 1907)

Where an order appointing a receiver gives him no authority to purchase material on credit, for an improvement, but directs him to make all necessary payments from his receipts, one furnishing material is not entitled to a mechanic's lien against the improvement.—*Tenth Nat. Bank of Philadelphia v. Smith Const. Co.*, 67 A. 874, 218 Pa. 584.

§ 73. Form and requisites of contract or consent.

See 34 Cent. Dig. Mech. Liens, §§ 87-98, 100-102.

[a] (Ill. 1907)

A building contract provided that the work should be done for a specified price, fixed the time for completion, and provided for final payment within 30 days from completion, but provided that, in case the contractor should be delayed through no fault of his own, the time should be extended for a time equal to the time lost by the delay. The contractor was delayed through the fault of the owner, and, when asked to proceed, he refused because the price of labor, etc., had advanced, whereupon the owner indorsed on the contract an agreement to pay a certain additional sum for the increased cost. *Held*, that the indorsement did not work a new agreement on the whole subject, but was merely a modification of the original contract, and hence a contention that the contract would not support a mechanic's lien, in that it did not provide for a completion of the work, and the making of payment at a time fixed, was of no merit.—*Concord Apartment House Co. v. O'Brien*, 81 N. E. 1076, 228 Ill. 476, affirming decree (1906) 128 Ill. App. 437.

[b] (Ill.)

Where the contract in question fixes with certainty the time for final completion of the work and payment of the money within the periods fixed by the statute, it is sufficient to support a lien.—(1906) *Concord Apartment House Co. v. O'Brien*, 128 Ill. App. 437, decree affirmed (1907) 81 N. E. 1076, 228 Ill. 476.

§ 75. Implied contract or consent.

See 34 Cent. Dig. Mech. Liens, § 103.

[a] (Me. 1907)

Where a new section of floor was laid with the intention of making it a permanent improvement to the building, as well as a convenience to the tenant, who held under a lease providing that the premises were to be used as a skating rink, and it would have been of no avail for removal by the tenant during his tenancy, and was not in fact removed by him, and the building, with the floor so repaired, continued to be used as a skating rink after he surrendered possession, and the president of the owner was present in the building the day after the repairs were commenced, and had knowledge of the proposed repairs before the old boards had all been taken up and any part of the new floor laid or the materials therefor furnished, but expressed no dissent and gave no notice that the owner would not be responsible, and, in a suit by the owner against the tenant for rent, he was given credit for a specified sum as "an allowance on floor," such facts constituted a consent by the owner to the laying of the new section of floor, within Rev. St. c. 33, § 29, giving a lien for labor performed or materials furnished in repairing a building "by

virtue of a contract with or by consent of the owner."—*York v. Mathis*, 68 A. 746, 103 Me. 67.

[b] (N. M. 1908)

Notice to the general manager of a corporation of the erection of improvements on lands owned by it, or in which it has an interest, is sufficient notice to the corporation, so that its interest will be subject to a mechanic's lien, in the absence of the posting of a notice required by Comp. Laws, § 2226.—*Stearns-Roger Mfg. Co. v. Aztec Gold Min. & Mill. Co.*, 93 P. 706.

[c] (N. Y. Sup. 1907)

A covenant in a lease obligating lessee to keep the premises in good order and repair during the term does not imply a consent by lessor, within Mechanic's Lien Law, Laws 1897, p. 516, c. 418, § 3, providing that a contractor or materialman who performs labor or furnishes material for the improvement of real property with the owner's consent shall have a lien; there being a distinction between "improvements" and "repairs," within the contemplation of that section.—*Etna Elevator Co. v. Deeves*, 107 N. Y. S. 63, 56 Misc. Rep. 565, rehearing denied (1908) 108 N. Y. S. 718, 57 Misc. Rep. 632, and judgment affirmed (1908) 110 N. Y. S. 124.

[d] (N. Y. Sup. 1908)

A covenant in a lease obligating the lessee to keep the premises in good order and repair during the term does not imply a consent by the owner to specific repairs, within Mechanic's Lien Law, Laws 1897, p. 516, c. 418, § 3, providing that a contractor or materialman who performs labor or furnishes material for the improvement of real property with the consent or at the request of the owner thereof shall have a lien, and the premises will not be subject to a lien unless the particular repairs were specifically provided for in the lease or the owner expressly consented to or requested them made, or, with knowledge that the repairs were being made, acquiesced therein.—*Etna Elevator Co. v. Deeves*, 107 N. Y. S. 63, 56 Misc. Rep. 565, rehearing denied (1908) 108 N. Y. S. 718, 57 Misc. Rep. 632, and judgment affirmed (1908) 110 N. Y. S. 124.

§ 78. Notice or protest by owner to prevent lien.

See 34 Cent. Dig. Mech. Liens, § 111.

[a] (N. M. 1908)

A mortgagee or trustee and beneficiaries of a trust deed in the nature of a mortgage have no such interest in the real estate on which a mechanic's lien is claimed as to require them to post the notice required under Comp. Laws, § 2226, denying any responsibility, where the mortgage or trust deed was duly recorded as required by law before the work was performed or the materials furnished for which the lien is claimed.—*Stearns-Roger Mfg. Co. v. Aztec Gold Min. & Mill. Co.*, 93 P. 706.

(D) PERSONS ENTITLED IN GENERAL.

[No paragraphs or references in this Digest. But see 34 Cent. Dig. Mech. Liens, §§ 112-125.]

(E) SUBCONTRACTORS AND CONTRACTORS' WORKMEN AND MATERIALMEN.

Contest by contractors of liens of subcontractors, workmen and materialmen, see post, § 257.

Lien against state, see "States," § 108½.

Lien on money due contractor for public improvements, see "Municipal Corporations," § 373.

§ 96. Agency of principal contractor for owner.

See 34 Cent. Dig. Mech. Liens, § 123.

[a] (Idaho, 1907)

A contractor being only the special agent of the owner of a building with limited power, his authority to bind the property for the value

of the material extends only to such as is reasonably sufficient properly to construct the building in accordance with the plans or under the agreement between the owner and the builder.—*Valley Lumber & Mfg. Co. v. Nickerson*, 93 P. 24, 13 Idaho, 682.

[b] (Idaho, 1907)

Under mechanic's lien law (Act Feb. 7, 1899; Sess. Laws 1899, p. 147), a contractor is a special agent of the owner for the purpose of securing the material necessary, but the owner cannot be bound through such agency, but the charge becomes one purely against the building.—*Valley Lumber & Mfg. Co. v. Nickerson*, 93 P. 24, 13 Idaho, 682.

§ 101. Effect of stipulations in principal contract.

See 34 Cent. Dig. Mech. Liens, §§ 134-136.

§ 104. — As to payment.

See 34 Cent. Dig. Mech. Liens, § 136.

[a] (Cal. 1907)

A building contract, whereby the final payment of one-fourth of the contract price was to be made at the completion of the building, is such a substantial departure from Code Civ. Proc. § 1184, providing that at least one-fourth of the contract price shall be made payable at least 35 days after completion of the contract, as to subject the owner to the provision of that section that, if the building contract shall not substantially conform to that section, the labor done and materials furnished by all persons except the contractor shall be deemed to have been done and furnished at the request of a person who contracted with the contractor, and that they shall have a lien therefor; and it is no defense to an action to foreclose such lien that the entire contract price had been paid, and that the last payment had been divided pro rata among claimants against the contractor.—*Merced Lumber Co. v. Bruschi*, 92 P. 844.

§ 106. Subcontractors of subcontractor.

See 34 Cent. Dig. Mech. Liens, § 138.

[a] (Ind. App. 1908)

Burns' Ann. St. 1901, § 7255, giving mechanics' liens to "contractors, subcontractors, laborers, and all persons performing labor or furnishing material" is sufficiently broad to give a lien to one who contracts with a subcontractor. Rehearing (1907) 81 N. E. 1154, denied.—*Stephens v. Duffy*, 83 N. E. 268.

[b] (Okla. 1907)

A subcontractor of a subcontractor is not entitled to a lien on a building, under the provisions of the statute of 1893, regarding liens of mechanics and others; the right to a lien under that statute being confined to artisans, laborers, contractors, and subcontractors.—*Vandenbergh v. P. T. Walton Lumber Co.*, 92 P. 149.

§ 107. Employés of contractors or subcontractors.

See 34 Cent. Dig. Mech. Liens, § 139.

[a] (Ind. App. 1907)

Burns' Ann. St. § 7255, giving mechanics' liens to contractors, subcontractors, mechanics, journeymen, laborers, and all persons performing labor or furnishing material or machinery for the erection, altering, or repair of a building, etc., was sufficiently broad to give an employé of a subcontractor a mechanic's lien for work done on a building.—*Stephens v. Duffy*, 81 N. E. 1154, rehearing denied (1908) 83 N. E. 268.

§ 108. Persons furnishing materials to contractors or subcontractors.

See 34 Cent. Dig. Mech. Liens, §§ 140, 141.

[a] (Cal. App. 1907)

Code Civ. Proc. § 1183, relating to mechanics' liens, provides that, where the contract is not recorded, it shall be void, and the materials furnished by others than the contractor shall be deemed to have been furnished at the personal instance of the owner, and they shall have a lien for the value thereof. *Held*, that the owner of the premises is not made personally responsible for the materials, but the presump-

Each one is a complete digest for the period covered, and all are prepared upon the same classification.

That classification is based upon the following principle or theorem:

Law is the effort of society to protect *Persons* in their rights and relations, to guard them in their *Property*, enforce their *Contracts*, hold them to their liabilities for their *Torts*, punish their *Crimes*, by means of *Remedies* administered by the *Government*.

The plan is therefore the arrangement of all law primarily under the following 7 categories: *Persons, Property, Contracts, Torts, Crimes, Remedies, Government*.

These 7 categories form the basis of 34 comprehensive divisions of the law. Thus the first category, *Persons*, is divided into:

(a) TITLES OF SUBJECTS RELATING TO NATURAL PERSONS IN GENERAL

(b) TITLES OF SUBJECTS RELATING TO PARTICULAR CLASSES OF NATURAL PERSONS

(c) TITLES OF SUBJECTS RELATING TO PERSONAL RELATIONS

(d) TITLES OF SUBJECTS RELATING TO ASSOCIATED AND ARTIFICIAL PERSONS

(e) TITLES OF SUBJECTS RELATING TO PARTICULAR OCCUPATIONS

From each of these 34 divisions are deduced a number of titles. Thus from the first division of *Persons* are drawn titles as follows:

TITLES OF SUBJECTS RELATING TO NATURAL PERSONS IN GENERAL

Civil Rights	Health	Seals
Dead Bodies	Holidays	Signatures
Death	Intoxicating Liquors	Sunday
Domicile	Names	Time
Food	Poisons	Weapons

The total number of titles derived in this way is 412. A list of them arranged by category and division is given in Chapter 8 of the Appendix, followed by an alphabetical list.

These titles are the main heads of the law under which all digest paragraphs are classified and appear in any Standard Digest. Each title is divided, and often redivided, as explained below in § 6; the analysis being as detailed as may be required by logic and by the tremendous mass of cases to which it must be capable of being applied.

The topics and the analysis of each are fixed and unchanging and may be applied in any digest, however large or small, simply omitting those parts of the classification under which there is no matter to be digested in that particular digest.

Throughout the following sections it is important to think of the classification as a thing distinct from any particular digest—as distinct as the shelves of a library are from the books which occupy them or the room which contains both books and shelves.

(b) *Same—Main Titles or Topics*

Each of the 412 main titles or topics represents some well-defined subject or branch of the law, such as *Bailment*, *Bills and Notes*, *Contracts*, *Eminent Domain*, *Negligence*, *Replevin*, *Sales*, *Trespass*, and the like. It must be remembered that these topics are the only titles under which any digest paragraphs (i. e., statements of points of law in the cases digested) are ever placed. This is the peculiarity which distinguishes them fundamentally from the Cross-Reference titles to be discussed later. In the illustrative pages inserted in this chapter will be found the topic *Mechanics' Liens*. *Mayhem*, on page 1917, is also a main topic, though in this particular volume of the digest it happens that there are no paragraphs to go under that title. These two will serve to show how the topics appear in the Key-Number Series.

On page 269 of the Reference Book will be found pages taken from the topic *Constitutional Law*, in the Century Digest; and on page 339, the same topic from the Decennial.

Though the number of main titles used in the Standard Classification Scheme is fixed, provision is made for the growth and development of the law, and for taking care of new cases and the application of principles to absolutely new conditions, by the system of subdividing topics which has been adopted. This will be made clear when we come to describe the division of topics into sections.

§ 5. Mechanical Features of the Digest

We shall now turn our attention to the mechanical features of the digest, including the subdivisions of topics and the system of cross-reference.

§ 6. Same—Cross-Reference Titles

But, besides the 412 topics, or main titles, used in the digest, under which are placed the digest paragraphs representing the various points or propositions decided by the courts, there are in each digest a large number of other titles, known as "cross-reference titles," under which no digest paragraphs are ever placed. Generally speaking, these cross-reference titles indicate the various subjects of litigation—subjects of controversy between litigants, etc. Under each such cross-reference title are placed one or more cross-references showing where propositions of law, relating to subjects indicated by the cross-reference title, are to be found.

Thus, on page 1917 of Vol. 3, Key-Number Series, reproduced above, are the titles, *Materialmen*, *Materials*, *Maturity*, *Maxims*, *Mayor*, *Measurements*, *Measure of Damages*, and *Measures*. These are cross-reference titles, and under them it will be noticed there are cross-references. The exact nature and use of these cross-reference titles and cross-references will be explained hereafter in § 9.

§ 7. Same—Arrangement and Contents of Topics

The attention of the reader is called to the fact that the titles used in the digest, whether they are topic titles, like *Mayhem* and *Mechanics' Liens*, or cross-reference titles, like *Materialmen*, *Materials*, *Maturity*, etc., are arranged in strictly alphabetical order. That is to say, the arrangement of the titles is identical with the arrangement of words in a dictionary. The reader should remember this, as he will find that it will give him much greater facility in handling the digest and in finding particular titles, if he grasps the fact that the arrangement of titles is on the dictionary plan, and has no reference to the logical division of the law into topics.²

It now becomes necessary to see what the topic or main title includes.

(a) *The Scope-Note*

In the Century and Decennial Digests, though not in the various digests of the Key-Number Series, there is printed immediately following each topic title a couple of paragraphs which are called the Scope-Note. The first paragraph of this scope-note shows very briefly the character of the subject-matter included under the title. The second paragraph shows the "Exclusions"—i. e., what related matter has been excluded in order to conform to the plan of the Digest—and directs the reader to the proper title under which such related matter may be found. Consequently a little study of the scope-note will oftentimes repay the searcher for the few moments' time consumed in so doing.

Thus, if authorities are desired showing the liability of a railroad company for an injury to one of its passengers, and the searcher should decide to examine the topic *Railroads*, the scope-note will inform him that such cases are excluded, and will be found under the topic *Carriers*.

The reason for this arrangement is that the legal relationship of the railroad company and the individual in such cases is that of *Carrier* and *Passenger*, and, the Digest having a topic of that character, to wit, *Carriers*, such cases have been placed under that title.

Or, again, suppose authorities are desired showing the liability of a railroad company for an injury to one of its employés, and the searcher should decide to examine the topic *Railroads*, the scope-note will inform him that such cases are excluded from the topic *Railroads*, and have been placed under the topic *Master and Servant*.

The reason for exclusion is because the legal relationship of the parties in this case is that of employer and employé.

² The topics not being arranged by category and division, the explanation given in § 4a, *supra*, is important only as showing how the topics were originally chosen and fixed upon, and how the classification was developed upon a logical theory. But the 7 categories there mentioned and their 34 divisions do not appear in any way in the digests, nor do they concern the searcher in any practical way.

If the searcher desired authorities as to the liability of a railroad company for injuries to a trespasser, and goes to the topic *Railroads*, the scope-note will inform him that such cases will be found under that title; the right to recover not being the result of, or dependent upon, any peculiar, personal, or contract relation between the parties in this case.

And again, if the searcher desired authorities on the Construction, Maintenance, Regulation, Operation, or Organization of Railroads, the scope-note will inform him that cases dealing with such questions have been placed under the title *Railroads*.

For particular illustration of the scope-note in the Century, the reader is referred to Reference Book, pp. 269, 275, and 285, and to pp. 341, 347, and 363, for similar matter in the Decennial.³

(b) *Analysis of Topic*

Immediately following the scope-note in the Century and Decennial and the topic title in the Key-Number Series is the analysis of the topic. This, as explained more fully below, is in effect a detailed table of contents of the topic, showing its divisions, subdivisions, and sections, and the place where such groups of paragraphs as the searcher desires to read may be found.

(c) *Cross-references*

Following the analysis is a collection of cross-references, which serve much the same purpose as the "Exclusion" paragraph of the scope-note, but which are narrow and detailed, rather than broad and general.⁴ See § 9 (a) below.

(d) *Digest Paragraphs*

Next follow the digest paragraphs, which have been classified to the topic, these being arranged under the divisions, subdivisions, and sections. It is to make these digest paragraphs easily accessible that classification was conceived and created.

There are approximately 3,500,000 digest paragraphs in the American Digest System. This mass of material is the country of which the classification is merely the map, and the cross-references the sign posts.

§ 8. Same—Subdivision of Topics

Each main head or topic title is designed to cover a certain subject or branch of the law. It is obvious that any one of these topics, if analyzed, is capable of division into two or more subdivisions, according to the complexity of the subject. For example, the simplest criminal topic, such as *Bribery*, will be seen by analysis to include such definite elements as "Nature and Elements of Offense," "Defenses,"

³ The scope-notes of the topics are omitted from the current volumes of American Digest Key-Number Series.

⁴ These are in effect detailed "exclusions."

"Persons Liable," "Prosecution and Punishment." More complex subjects or topics may, on analysis, be resolved into a number of main divisions, and these main divisions into less comprehensive subdivisions.

It is apparent that this division of main topics, especially of those which are very complex, facilitates the work of the digester in distributing matter under them, and, conversely, as the subdivisions are logical and analytical, facilitates the use of the digest by limiting the investigator's search to a definite portion of the topic, which he may determine upon by analyzing the proposition on which he desires authorities.

All of the main topics in the digests are therefore subdivided—the smaller, those containing but a few paragraphs, into section lines only; while the larger, which ordinarily contain anywhere from 100 to 2,000 paragraphs, in a volume of the Key-Number Series, and a vastly greater number in the Century or Decennial, are divided into main divisions, indicated by capital letters in parentheses [(A), (B), etc.]. To the latter class belongs *Mechanics' Liens*, to the analysis of which in the foregoing illustrative pages, the reader's attention is called. Under *Mayhem*, on the other hand, the only division is into sections.

(a) *Main Divisions and Subdivisions*

As already stated, every topic is analyzed; the degree to which this analysis of different topics is carried varying with the complexity of the law and the amount of matter to be inserted under it.

Most, though not all, topics are divided into two or more *main divisions*, to which Roman numerals are always attached.

Thus, the topic *Bills and Notes* is divided into eight main divisions, and each of these groups described by a permanent line, called a "division line," analogous to the title of the topic; it being descriptive of the contents of the division.

The line *Requisites and Validity* describes one of these, *Construction and Operation* describes another, and *Modification, Renewal, and Rescission* another, and so on.

Requisites and Validity is designated Division I, *Construction and Operation* designated Division II, and *Modification, Renewal, and Rescission* Division III. They always appear in their numerical order. It will be noticed these division lines really represent broad phases of the subject *Bills and Notes*.

In many topics, some or all of the main divisions are redivided into one or more subdivisions, which are designated by letter, as Subdivision (A), Subdivision (B), etc. Thus Division I of *Bills and Notes* is entitled *Requisites and Validity* and is subdivided into (A) Form and Contents of Bills of Exchange; (B) Form and Contents of Promissory Notes and Due Bills; (C) Execution and Delivery.

To illustrate this analyzing of the contents of a topic further: The topic *Conspiracy* is divided into divisions: (I) Civil Liability; and

(II) Criminal Responsibility. Division I is divided into two subdivisions, "Acts Constituting Conspiracy," covering definitions and provisions as to the nature and extent of the liability, and "Actions," covering procedure. Similarly, the main division II "Criminal Responsibility," is divided into two subdivisions: (A) "Offenses;" and (B) "Prosecution and Punishment."

The number of main divisions and subdivisions into which a topic is divided, and the degree to which a topic is subdivided, will, of course, vary according to the complexity of the general subject. The topic *Assault and Battery*, like the topic *Conspiracy*, has 2 main divisions, while the topic *Judgment*, which is very comprehensive and complex, has 22 main divisions. If these main divisions are comprehensive and complex, as they are likely to be in complex topics, they may be divided into two or more subdivisions. For example, it will be noticed that Division II of the title *Mechanics' Liens* is divided into five subdivisions; whereas Division III is divided only into sections.

(b) *Permanence of Divisions and Subdivisions*

The divisions and subdivisions into which the larger and more comprehensive topics are divided are permanent, and are the same in all digests compiled under the Standard Classification Scheme; that is to say, in whatever digest the search is made, the topic *Mechanics' Liens*, taking that as an example, will be found always to be divided into eight main divisions, and of these, Divisions II, IV, and VI will be found to be divided into subdivisions exactly as they are shown in the digest pages included herein. The result is that, if a proposition of law is located in any Standard Digest in terms of the division and subdivision of a topic, it is necessary to go only to that topic, division, and subdivision, in order to find similar cases in other digests which are compiled strictly on that classification.⁵

For example, suppose the brief maker is interested in a case involving the question whether one who has supplied apparatus for heating or lighting in the construction of a building may have a mechanic's lien therefor; he would locate his first case in the topic *Mechanics' Liens*, Division II, Subdivision (A). To find all other cases involving that question it would be necessary to go only to Subdivision (A) of Division II of the topic *Mechanics' Liens* in the other volumes of the digest—the Century, Decennial, and Key-Number Series.

(c) *Sections or Black Letter Lines*

But we have still to reach the final topical division of the classification—that under which the digest paragraphs actually appear in every digest.

⁵ To fix this point firmly in mind, the reader is advised to turn to the Reference Book, pp. 433 to 634, where the topic *Infants* will be found reproduced from each of the volumes of the Key-Number Series.

Every topic or main head is divided into sections. In the smallest topics, such as *Mayhem*, the sections constitute the only division made of the topic. In others, they are the parts into which a subdivision has been divided.

Each section is numbered and its scope is indicated by an analysis line, which will hereafter be referred to as the Black Letter Line (it being always printed in black letter) or as the Section Line. The number of black letter lines in a topic varies, according to the complexity of its general subject-matter. For example, a very small and almost obsolete topic, like *Mayhem*, contains only 7 section lines, and there are no divisions or subdivisions intervening between them and the topic title, because none are needed. The topic *Mechanics' Liens*, if all phases of the law are represented in a particular digest, contains nearly 320 section lines. Larger and more comprehensive topics, such as *Appeal and Error* or *Criminal Law*, contain over 1,200 section lines. These section, or black letter, lines represent the final analysis of the subject, the most specific phase of the law, whether regarded from the standpoint of the principle or from the standpoint of the facts.

(d) *2-em Dash Lines and Italic Lines*

It will be noticed, however, that in some of these sections the black letter line is preceded by a dash, technically known as a "2-em dash." These 2-em⁶ dash lines are subdivisions of the next preceding full line, although they are themselves section lines. For example, the black letter line to § 20 of *Mechanics' Liens*, on page 111 above, is "— Leaseholds." The dash indicates that this section is merely a subdivision of § 15, "Estates or interests which may be subject to lien," which is the next preceding full line. So, too, the black letter lines of sections 71 and 72, on page 112 above, are 2-em dash lines, indicating that those sections are subdivisions of section 69, and are to be read in connection with section 69.

The growth of the law and the application of principles to entirely new conditions are provided for by adding new section lines to the Standard Classification as occasion arises for their use. These sections are given half numbers and are designated as "New" in the first Key-Number Series volume in which they appear.

In order to facilitate the use of the Decennial Digest (either by itself or in conjunction with the Century Digest), another device has been used where a Decennial black letter line is comprehensive and

⁶ This name is perhaps an unfortunate one, simply because it is technical, and therefore meaningless to persons unfamiliar with printers' terms. But it has been used so long that we retain it here, for to introduce a new phrase would only cause confusion. The "em" is a printer's measure, being a square of type whose side is the length of the letter "m" in whatever type is being measured. Thus it varies with the size of the type used. The "2-em" dash is a dash 2 ems long.

contains a large number of paragraphs. In such instances the section in the Decennial has been subdivided into subsections, which are indicated by numbers in parentheses [(1), (2), etc.] and given italic lines to show the character of the matter in such subsections. (Reference Book, pp. 382 to 385.) These subsections are not used in the American Digest Key-Number Series, because they are not necessary, in view of the smaller amount of matter in any one of those digests, as compared with the Decennial and Century Digests.

(e) *Permanence of Sections*

In explaining the classification, we have stated several times that it is fixed and unchanging; that it is the same in whatever digest it is applied. It will be necessary to qualify this statement in one or two respects, as regards the Century Digest. As already stated, the classification was originally developed for and was first applied in the Century Digest, which contains nearly twice as much matter as the Decennial. While the topics, main divisions, and subdivisions have been maintained, the greater amount of matter required a greater number of sections in the Century than in any subsequent digest. Accordingly, before preparing the Decennial Digest, the classification was modified (after publication of the Century) by combining consecutive sections where it could be done logically. But no further modification has since been made, and the classification to-day is the classification exactly as it was used in the Decennial Digest.⁷

Therefore, beginning with the Decennial Digest, not only are the main divisions and subdivisions of every topic permanent, but the sections and their attendant black letter lines have become fixed. The standard classification being the classification exactly as it was applied in the Decennial, and the sections of each topic being numbered consecutively therein, each section retains the number there given to it. Thus § 4 of *Fixtures* is "Intent in making annexation." This black letter line being numbered 4 in the Classification, this number is inseparable from it. Wherever it appears in any subsequent digest of the system, the same number is and will always be attached to it.

The result is that, if a case involving a certain proposition of law is located in the Decennial Digest in a certain section of a topic, it is necessary to go only to the same topic and section in the digests of the Key-Number Series in order to find all the cases decided since 1906 and involving the same question. If, on the other hand, the first case is located in any digest subsequent to the Decennial, in a certain section of the topic, then, in order to find all of the cases involving a similar question decided since 1897, it is necessary to go only to the same topic and section in the Decennial and the other volumes of the Key-Number Series. Cases decided prior to 1897 may be located in the

⁷ How these modifications were made, so as to cause no confusion, is explained below in § 10.

Century Digest by the Century reference line, which is found under every black letter line in the Decennial and American Digests (and which will be explained below).

Naturally, in any particular volume of the Key-Number Series, covering as it does only about half of the year, many phases of the law represented by black letter lines will not be represented by any decisions. There being no digest paragraphs in such volume for a large number of the black letter lines provided in the classification, these black letter lines and their corresponding permanent section numbers are entirely omitted from that particular digest. This explains the many omissions of section numbers in any volume of the Key-Number Series. For example, it will be observed that in the topic *Mechanics' Liens* in Volume 3, Key-Number Series (see pages 110 to 113 above, in this chapter), all the section lines between 48 and 56 and between 59 and 69 have been omitted, as well as numerous other lines.

(f) *Analysis of a Topic*

Following the scope-note of each topic in the Century and Decennial Digests, and immediately following the title of the topic in the Key-Number Series, is the analysis, already mentioned (in § 8 (b) above). This is a Table of the Contents of the topic, showing how it is divided and arranged; i. e., it is a list of the divisions, subdivisions, and sections of the topic. In the Century and Decennial it is complete—that is, it shows all the sections in the classification. But in the Key-Number Series it does not give the whole classification; for, though all the main divisions and subdivisions appear, only such sections are given as have digest matter classified under them in the particular volume examined. The reader is asked to remember this, as in explaining the use of digests it will frequently be necessary to refer to the analysis of the topic, and it is desirable that he understand what is meant by that term.

(g) *Additional Subdivisions of Topics in Century Digest*

It will be noticed that, in explaining the methods of dividing and subdividing topics, reference has been made to only two grades of subdivisions aside from the division into the ultimate section that is common to all topics of the classification. That is to say, in the classification as it is applied in the American Digest System generally (and in other Standard Digests), the larger and more comprehensive topics are divided into the main divisions, indicated by Roman numerals, and subdivisions, indicated by capital letters in parentheses. But in the Century the amount of digest matter made it necessary to extend—or, more properly speaking, to distend—the classification, in some topics particularly. Therefore, in the preparation of this digest, it was found best to carry the subdivision of the matter much farther, and to use, not only the main divisions and subdivisions referred to already, but, in most instances, third grade subdivisions indicated by

Arabic numerals, fourth grade subdivisions, indicated by small letters in parentheses, and in some instances even fifth grade subdivisions.⁸

Besides the general analysis at the head of the topic in the Century Digest, there is prefixed to each division and subdivision of the topic an analysis of such division or subdivision. In this analysis at the head of the topic the final division into sections is not shown. This division into sections is found in the analysis appended to the divisions and subdivisions in the body of the digest text.

These points will be understood more easily if the reader will examine the pages from the topic *Evidence* in the Reference Book (pp. 274 to 277).

§ 9. Same—Cross-References

The character of cross-reference titles has already been indicated in § 7 above, where it was explained that the only matter inserted under such titles consists of cross-references. Since there is no matter digested under these cross-reference titles, what is their relation to the classification?

In the first place, they are not a part of the classification, which we have described as the framework upon which the digest matter is hung. The cross-reference titles are nothing more nor less than index words, and the cross-references are nothing more nor less than index lines.

To illustrate what is meant by "index words" and "index lines," turn to the index to any text-book—for instance, the index to Tiffany on Persons and Domestic Relations contained in the Reference Book, p. 149. It will be noticed that in this index are certain words in capitals, indicating the principal subjects treated in the text-book, such as Adoption. This is an index word. Under it are found lines indicating more specific phases of the general subject-matter represented by the index word. For instance, under Adoption is the line "status of adoptive parent and child." This is an index line. Now, a cross-reference title in the digest corresponds in its functions to the index word, and a cross-reference corresponds in its functions to the index line.

That is to say, the cross-reference titles and cross-references serve exactly the same purpose as do the index words and index lines in the index to an ordinary text-book. The whole body of cross-references contained in any digest might be regarded as simply an index to that digest. The only mechanical difference between such an index and the index to a text-book is that, instead of being collected together in the back of the volume, as is the case with the index to an ordinary

⁸ On some topics the law became so well settled during the period covered by the Century that thereafter little room existed for dispute and comparatively few cases have since been litigated. On the other hand, some topics have become of far greater importance in recent years. Thus, there are more points digested under *Municipal Corporations* in the Decennial than under that topic in the Century.

text-book, the index words are interspersed throughout the body of the digest, being arranged in alphabetical order under the same alphabet with the titles of the various chapters (i. e., topics) of the digest.

The index character of these cross-references is shown by the use of them. Take, for example, the cross-reference title *Materials* in the illustrative pages inserted above, and the second cross-reference under that title: "Right to mechanic's lien for materials furnished, see *Mechanics' Liens*, § 48." This is merely an index line telling where the law relating to the right to a mechanic's lien is digested, when that right is dependent on the nature of the materials furnished. Turning to the title *Mechanics' Liens*, § 48 (page 1919), it will be seen that section 48, as indicated by the black letter line showing its contents, deals with propositions of law relating to the right to mechanics' liens for materials prepared or furnished, but not used.

Again, the index character of the cross-reference titles and cross-references is clearly shown by examination of the index to the Century Digest, which is contained in Volume 50. This index is simply a collection in one place of all the cross-reference titles and cross-references in the whole 50 volumes of the Digest; in this index the cross-reference titles becoming index words and the cross-references becoming index lines.

The Descriptive-Word Index, explained below, in § 17 of this chapter, is of the same character as the Century Index, but is fuller and more detailed, and contains certain varieties of matter not included in the latter.

(a) *Cross-References under Main Titles*

Cross-references are also found, however, in places other than under cross-reference titles.

Thus, in almost every topic, a body of cross-references will be found immediately following the analysis of the topic. These are frequently referred to as the "Exclusions," because they indicate what related matter, which might by some be expected to come within the scope of the topic, has been excluded therefrom, and where such matter has in fact been provided for in the classification.⁹ On page 1918 of the digest are found cross-references following the analysis of the title *Mechanics' Liens*. That these cross-references also are merely index lines is clearly shown by their character. For example, the lien given by statute on railroad property for labor and supplies is a lien

⁹ It is well to remember that the person using a digest will often believe that a particular phase of the law ought to be digested or may have been digested under one topic, whereas the expert classifier has actually placed it (and properly placed it) under a different topic. The important point being to make the digest matter accessible, cross-references are inserted in those places where the searcher may reasonably suppose that such matter might be digested. These refer him to the place where the digest matter has in fact been digested.

See Chapter XIII, § 4.

analogous to a mechanic's lien; but, being a specific and special lien, it is excluded from the title *Mechanics' Liens* and put under the title *Railroads*, and there is a cross-reference among the cross-references following the analysis of the title *Mechanics' Liens* telling the investigator where to go for liens on railroad property.

Not only is it necessary to have references leading from one topic to another, but, different parts of the same topic often being related, cross-references between them are found, under division or subdivision headings, together with additional cross-references to other topics. For example, under subdivision (B) of division II of the topic *Mechanics' Liens* (page 112, above) there is a cross-reference reading, "Description in claim or statement of lien, see post, § 139." That cross-reference indicates that cases passing upon the sufficiency of the description of services rendered and materials furnished, in the claim or statement of lien, are to be found digested in section 138 of this topic, *Mechanics' Liens*. So, too, cross-references are found under many section lines or black letter lines. For instance, under section 3 is found a cross-reference, "Subjects and titles of acts relating to mechanics' liens, see *Statutes*, § 115;" another under section 20, "Leaseholds affected by lien, see post, § 191." There are other examples under sections 15 and 56.

Where the cross-references refer to other topics, as in the general cross-references following the analysis of *Mechanics' Liens* and the cross-references under section 3, they are called "external cross-references." When they refer to other sections within the topic, as indicated by the words "ante" or "post," as in the cross-references under subdivisions (B) and (C), on page 112, above, and under the section lines 15, 20, and 56, they are called "internal cross-references."

Cross-references inserted under the main topics often serve a collateral purpose in leading the investigator, who has located his proposition in the classification, to analogous lines of cases which he may wish to find after he has located those cases which are directly in point, as, for instance, where the subject he is studying is broader than the scope of a particular black letter line (section).

(b) *Words and Phrases*

Among the cross-reference titles included in the American Digest Key-Number Series and in the indexes to the Reporter volumes is the title *Words and Phrases*, under which are gathered together in their alphabetical order all words and phrases judicially defined in the particular volume. This cross-reference title is an important one, as in effect it makes the American Digest and the Reporters supplementary volumes of the eight-volume work "Words and Phrases," described in Chapter V, § 13. The practical use of this cross-reference title is explained in Chapter IX, § 10 (d) below.

§ 10. Same—Century References

In § 8 (g), above, it has been explained that, while the classification used in the Century is the same as that in the Decennial, it was often necessary to subdivide a given topic one or two degrees further in the former digest than in the latter. Thus, the number of sections under such topic in the Century is greater than in the Decennial. In both digests the sections are numbered consecutively. It often happens that a section or black letter line in the Decennial will correspond to the analysis line for some larger division in the classification in the Century.

It follows, from all these statements, that the analysis or black letter line following a given section number (for instance, *Evidence*, § 27)¹⁰ in the Century will not be the same as the black letter line following the same number in the Decennial. Therefore, a reference to the desired section in the Decennial or later Key-Number Digest does not constitute a reference to the corresponding matter in the Century.

This situation would greatly complicate the use of these two digests in connection with each other, were it not for the adoption of a very simple device which completely remedies the difficulty. The reader's attention is called to the fact that under each section or black letter line in the Decennial is a reference somewhat in the nature of a cross-reference (though by no means to be confused therewith) to the topic and section in the Century Digest, where similar propositions of law will be found digested. For example, under the black letter line to section 20 of the topic *Mechanics' Liens*, is found the reference, "See 34 Cent. Dig. Mech. Liens, § 21," indicating to the brief maker that cases involving propositions of law similar to those found in section 20 will be found in the Century Digest, *Mechanics' Liens*, under section 21.

These Century references are always given in connection with the section numbers and black letter lines of the classification as it is used in its crystallized form in the Decennial and other Key-Numbered Digests; that is to say, the corresponding Century reference always accompanies the Key-Number.

(a) *Century References in the Decennial Digest*

It might be supposed, from all that has been said thus far, that the order of the Century section numbers contained in the Century references in the Decennial would be numerically consecutive. But this is not always the case. Although the classification is theoretically the same, it was found desirable (for editorial reasons which it would here be superfluous to explain) to make certain minor changes in the order of the black letter or section lines before the Decennial was

¹⁰ See illustrative pages in Reference Book, pp. 276 and 348. It will be seen that *Evidence*, § 27, in Decennial corresponds to subdivision D of Division I of that topic in the Century, and not to § 27 thereof.

compiled. While this fact should be understood, the Century references prevent any confusion that might otherwise have arisen from these changes.¹¹

(b) *Dummy Lines in Decennial*

Again, there are certain phases of the law, represented by black letter lines in the Century, on which no cases were decided during the Decennial period from 1897 to 1906. There being no matter to be digested under them, these black letter lines might have been omitted from the classification in its final form as developed for the Decennial. The result of this would have been, however, that one searching the Decennial for authorities on these phases of the law, and not finding any provision in the classification for the digesting of cases on these points, because none were decided during the Decennial period, would never have been led to the desired cases in the Century.

To provide for such contingencies, the "dummy line" was devised. Dummy lines are lines inserted in their proper places in the topics in the Decennial, under which no matter is digested therein, but which correspond to black letter lines in the Century. They are not numbered, and do not appear in the analysis of the topics, but only in the body of the digest. As indicated by the legend under them, some of these dummy lines are inserted because there are no regular numbered black letter lines in the Decennial corresponding to the Century lines referred to, and some because the corresponding lines in the Decennial Digest vary in wording or in numerical order from those in the Century Digest.

The use of these dummy lines is well illustrated in volume 9 of the Decennial Digest, in the topic *Fixtures*. It will be noted that under § 12 of *Fixtures* in the Decennial the Century Digest reference is "23 Cent. Dig. Fixt. § 17." (See Reference Book, p. 364.) Under § 13 the Century Digest reference is "23 Cent. Dig. Fixt. § 22." Immediately preceding § 13, however, is a group of dummy lines to fill in the gap in the Century references.

§ 11. Same—Pink Table—Table of Century Digest Sections and Their Corresponding Decennial Section Number (Key-Number)

The process of going from any given section in the Decennial (or the Key-Number Series, etc.) to the Century is made easy by means of these Century references and by the dummy lines, whose use and value must now be clear. But the reverse process could not be facilitated in this way, since the Decennial was not published until ten years after the Century.

However, a table was devised to make it easy for the searcher who has located his cases in the Century to go directly to the corresponding section in the Decennial and other Key-Number Digests.

¹¹ See, also, section 11 below.

This table will be found at the front of Volume 21 Decennial Digest, printed on pink paper. It shows all the titles in the Century Digest, and under each one the number of every section line in such Digest. These titles are in black-faced type and arranged alphabetically.

Opposite every Century Digest section number, which is always at the left of the column in this table, is given the number of the section line in the Decennial Digest where later cases are digested; i. e., the corresponding Key-Number.

The Decennial section numbers thus indicated in the table are Key-Numbers, so that, in the event authorities are first found in the Century Digest, say, e. g., the case of *Blackwood v. Cutting Packing Company*, under the title *Sales*, section line numbered 562, and the Key-Number of such line is desired, turn to the Table, to the title *Sales*, and locate the figures 562 in the left-hand column in its numerical order and the Decennial (i. e. Key-Number) *Sales* 209 will be found immediately opposite.

Sample pages of this pink table will be found in Reference Book, pages 393 to 406.

§ 12. Same—Connecting Century with Key-Number and other Standard Digests

Throughout the foregoing explanation, we have confined ourselves almost entirely to explaining the connection of the Century with the Decennial Digest. It must be remembered, however, that the classification used in the latter is throughout identically the same classification that is used in all subsequent digests of the American Digest System, though in no other is the entire classification used, simply because none has ever contained matter to be classified under every section provided. Accordingly, what has been said in regard to going from the Century to the Decennial, and vice versa, applies to all these other Digests also. It also applies to those other Key-Number Digests which have been published for the states of Oklahoma, Michigan, Vermont, etc.* As to other Standard Digests prior to the Decennial, the same rules apply, but with some modifications, which we have not space to explain in this volume. For such explanation, we must refer the reader to the prefaces of the respective digests.

§ 13. Same—Tables in the Key-Number Series

There are also contained in each volume of the American Digest, Key-Number Series, several tables that are of much practical importance.

(a) *Table of Reports*

One of these tables is the Table of Reports, found in every volume of the Key-Number Series, immediately after the preface. This table

* In this connection it may be added that the Pink Table has been published separately in pamphlet form and is obtainable from the publishers upon request.

is merely a list of Reports and Reporters in which were reported cases digested in that particular volume of the digest. The purpose and use of this table is indicated elsewhere.¹² (See, § 16 below.)

(b) *Table of Cases Digested*

Every volume also contains, at the back, a Table of Cases Digested. This table is a list of the cases that are digested in that particular volume of the digest, showing in what topic and section each case is digested. The topics are expressed by abbreviations, a list of which is prefixed to the Table of Cases Digested. Incidentally, the reader will note that these Tables of Cases supplement the Table of American Cases published in Decennial Digest, Vols. 21–25, and, taken therewith, constitute a complete list of all American cases from the earliest down to within a few months time. (See § 15, below.) Illustrative pages will be found in the Reference Book, pp. 485 to 490.

(c) *Table of Cases Affirmed, Reversed, or Modified*

Following the Table of Cases Digested is a "Table of Cases Directly Affirmed, Reversed, or Modified" by decisions included in that particular volume of the digest. The purpose of that table is to enable the practitioner to ascertain the history and final result of cases which he desires to cite; i. e., whether such cases have been affirmed, or reversed, or modified by later decisions. For example, suppose that the brief maker is interested in a case involving the liability of a vendor of diseased meats to one injured by eating thereof. He has found in volume 2, Key-Number Series, in the topic *Food*, § 25, the case of *Tomlinson v. Armour & Co.*, a case decided by the New Jersey Supreme Court and reported in 65 Atl. 883. He desires to know whether this case can be cited safely as authority, and to determine that he must know, first, whether it has been affirmed, reversed, or modified by the New Jersey Court of Errors and Appeals. He therefore turns to volume 3, Am. Dig., and consults the Table of Cases Affirmed, Reversed, or Modified. He finds no citation of the *Tomlinson Case* in that table. He then consults the table in volume 4, Key-Number Series. (Reference Book, p. 509.) He finds the *Tomlinson Case* cited there, with the information that it was reversed in 70 Atl. 314, with references to the places in volume 4, Key-Number Series, where the reversing decision is digested. He is thus guarded against citing a case which has been reversed.

§ 14. Same—Cumulative Table of Key-Number Sections in Key-Number Series

It has already been explained that in any Key-Number Digest only those sections in the permanent classification are inserted under which there are paragraphs to be classified in that digest. Thus, in the Key-Number Series a given section may appear in only one or two volumes.

¹² See Reference Book, p. 477. See also, p. 422 in that volume.

To enable the searcher to save time, which must otherwise be spent in going to those volumes which do not contain matter digested under the Key-Number that he has fixed upon, a Cumulative Table of Key-Number Sections appearing in the volumes of the Key-Number Series is published in pamphlet form and issued to the subscriber with each succeeding volume of that series.

In this table all the titles, and, under each title, all the sections thereof, provided by the permanent classification are shown.

These titles are printed in black type and arranged alphabetically, commencing with the title *Abandonment* and concluding with the title *Work and Labor*. Under each title all the section numbers of the same title in the Decennial Digest are given in black type, and arranged in numerical order.

Immediately to the right of such black letter section numbers are figures printed in light type. These figures represent the various volumes of the Key-Number Series in which the black letter section numbers (i. e., Key-Numbers) of the Decennial appear.

If there is only one light figure given, then the black section number (or Key-Number) opposite such figure appears only in that volume.

If there are several light figures given, then the black section number appears in the several volumes indicated. Thus—

Abatement and Revival	
1 —2	
3 —2, 3, 5, 6, 7, 8, 9, 10, 11	
4 —4, 5, 9, 10, 11	
5 —1, 2, 6, 8, 9	
6 —1, 4, 6, 9	
7 —3, 5, 6, 9, 11	
8 —1, 2, 3, 4, 5, 6, 7, 9, 10	
11	
9 —2, 3, 4, 5, 6, 7, 9, 10, 11	

If one has found authorities in the Decennial Digest under the title *Abatement and Revival*, § 1, the Cumulative Table of Key-Number Sections will show him that the only volume of Key-Number Series he needs to examine for later cases is volume 2.

Or, again, if he has found some authorities in the Decennial Digest under the title *Abduction*, § 1, the Table will show him that there are later cases in volumes 1, 2 and 8 of the Key-Number Series.

Several specimen pages of the issue of this pamphlet table accompanying volume 14 Key-Number Series have been inserted in the Reference Book, pp. 421 to 432.

§ 15. Decennial Table of American Cases

The last five volumes of the Decennial Digest contain a Table of Cases Digested. This Table, however, covers not merely the cases in the Decennial, but also those in the Century. Moreover, it is something more than a mere table of cases digested, such as is ordinarily inserted in a modern digest, for it combines with the characteristics of such

tables certain other information which will lead the searcher to cases in point with the case under which the citation is found.

(a) *Arrangement*

The titles of the cases in the two digests are arranged in their alphabetical order, under a single alphabet. Alphabetical arrangement being a matter upon which ideas may reasonably differ, the rules followed in arranging this table are given immediately preceding the table itself, as a guide to aid the searcher.¹³ In the front of each volume, also, there is a green sheet tipped in, which gives the rules of arrangement.

(b) *Citations to Reports, Reporters, and Selected Case Series*

Following the title of each case are given the parallel citations by volume and page to the State Reports, United States Reports, and the National Reporter System; also, whenever a case is reported in the American Decisions, American Reports, American State Reports, or Lawyers' Reports Annotated, the volume and page in these series are cited.

It is obvious that by reason of the scope of the two digests covered the table will serve as a combined parallel citation table for the reports indicated and can be used to advantage as a substitute for the Reporter Blue Books, the Reporter Reverse Front Tables, and the L. R. A. and Trinity Series parallel tables, for all cases prior to September, 1906. By means of it, one who has a citation to one of these sets, can locate his case in any other of them in which it is reported.

(c) *Reversals and Affirmances by the United States Supreme Court*

When a case has been appealed to the United States Supreme Court, the reversing or affirming case is cited, and its final disposition stated in parenthesis.

Thus, if the reader will turn to *Atherton v. Atherton*¹⁴ in the Table of Cases, it will be noted that the case is reported in 155 N. Y. 129, 49 N. E. 933, 40 L. R. A. 291, and 63 Am. St. Rep. 650, and that it was later reversed by the United States Supreme Court as reported in 181 U. S. 155, 21 Sup. Ct. 544, and 45 L. Ed. 794. Reversals, modifications, and affirmances by higher courts in the same state are generally shown also.

(d) *Citations to Century and Decennial Digests*

This Table of Cases also cites under each title the volume, topic, and section number where each point in such case is digested in the Century and Decennial Digests. Citations to these digests are indicated by the volume number followed by the letter "C" or "D," both printed in black letter. Following this is the topic and section number under which the point in question is digested. Of course, there will be numerous such citations under any particular title, if the case was one presenting many points for decision.

¹³ See Reference Book, p. 408.

¹⁴ See Reference Book, p. 412A.

(e) *Illustrations*

The following excerpts from the table will serve to illustrate the various points explained above, but the reader is advised to examine also the various specimen pages of the table which have been inserted in the Reference Book, pp. 409 to 419.

Harvard Unitarian Soc. v. Tufts
151Mass.76, 23N.E.1006, 7L.R.A.
390; 49 C Wills §1946, 1931

Harvey, The Lydia A., 84F.1000.
See Lydia A. Harvey, The

Harvey v
Alexander 1Rand.219(Va.) 10Am.
Dec.519; 11 C Contracts §300;
20 C Evid. §1913; 24 C Fraud.
Conv. §260, 262, 286; 30 C
Judgm. §1368; 50 C Witn. §
324

Allen, Fed.Cas.No.6177, 16Blatchf.
29; 6 C Banks §1068

Allen 94Ga.454, 19S.E.246; 13 C
Courts §486; 12 D J.P. §155(1)

Brisbin 50Hun376, 3N.Y.S.676, 20
N.Y.St.Rep.702 (affirmed 143N.
Y.151, 38N.E.108); 40 C Powers
§28; 47 C Trusts §195, 195½

Brisbin 143N.Y.151, 38N.E.108; 15
C Curt. §31; 40 C Powers §28;
47 C Trusts §195, 195½

Brisbin 16N.Y.St.Rep.42; 13 Key
No. Series, Conversion §15;
Plead. §217

Chicago & A.R.Co. 221 Ill.242, 77
N.E.569; 2 D App.&E. §969; 4
D Carr. §303(1), 321(23), 335,
348(1); 8 D Evid. §263(1); 15
D Neglig. §68; 19 D Trial §202,
233(1), (3), 252(10), 260(1), 296
(4)

Chicago & A. Ry. Co. 116Ill.App.
507 (affirmed 221 Ill.242, 77N.E.
569); 2 D App.&E. §882(12),
969; 4 D Carr. §303(1), 321
(23), 335, 348(1); 8 D Evid. §
263(1); 15 D Neglig. §68; 19 D
Trial §202, 233(1), (3), 252(10),
260(1), 296(4)

Erie R. Co. 210Pa.95, 59A.691; 17
D R.R. §327(5), 348(6)

Erie R. Co. 210Pa.97, 59A.1119;
17 D R.R. §327(5), 348(6)

Harvey's Estate
In re, 80Hun371, 30N.Y.S.1, 61N.
Y.St.Rep.794. See James, In re

(f) *List of Abbreviations*

Immediately following the title page of each volume of the table there is found a list of the topical abbreviations used in the table, to which persons using the latter will do well to refer.¹⁵

§ 16. Decennial Table of Reports

Volume 21 of the Decennial contains, on pages vii-xiv, a list showing what volumes and sets of reports are digested in the Century and Decennial. This is entitled, "Table of Abbreviations and List of Reports Digested in the Century and Decennial Digests," and shows the standard abbreviation by which these reports are cited in the Digest and Table of Cases. This Table should be compared with the lists

¹⁵ See Reference Book, pp. 391 and 392.

of reports in respective volumes of the Key-Number Series, which are in a sense supplements to it. (See § 13 (a), *supra*.) Two specimen pages of this Table will be found in Reference Book, pp. 389 and 390.

§ 17. Descriptive-Word Index to Decennial and All Other Key-Number Digests

Perhaps the most important aid that has yet been devised to facilitate the use of any and all of the Key-Number Digests is the newly published Descriptive-Word Index (1912). This volume, which contains some 2,000 double-column pages, does away almost entirely with the necessity of referring from one volume of the digest to another. A clear understanding of its nature, contents, and use is therefore of particular importance to any person using the Digests.

This index is based upon the Decennial Digest and upon the standard classification in its permanent Key-Number form applied therein.

(a) *Contents and Arrangement*

The Descriptive-Word Index is a compilation of titles, under which are references directing the reader to particular topics and sections in the Decennial Digest; that is, they refer to Key-Numbers under which the digest paragraphs are digested.

These titles are words descriptive of essential facts which have constituted the several elements of the right of action or defense in decided cases. Many of them are either the names of or words which describe persons, places, and physical things which have been the subject of dispute. Some of them are words that describe a question of law or of fact not directly involving any particular person or thing, but going to particular questions of law and procedure which have been the subjects of dispute, and some are words that describe constitutional provisions, legislative acts, or legal doctrines which have been the subject of dispute.

These titles are arranged in alphabetical order. They include (1) every topic title of the Standard Classification; (2) every cross-reference title in the Decennial Digest; and also (3) numerous new titles of the same character as the pre-existing cross-reference titles, introduced for the purpose of amplifying the index system.

Under each title are given reference lines. These, also, are arranged in alphabetical order (like the cross-references under a main title in the digests themselves). They include (1) every black letter line (or section line) of the permanent classification, or, as we may now call it, the Key-Number Classification; (2) every cross-reference line of the Decennial Digest, whether found therein under a topic title or a cross-reference title; and (3) numerous new reference lines of the same character as the preceding cross-references.¹⁶

¹⁶ It may be pointed out that a word or phrase representing a main division or subdivision of a main title may also be and usually is a cross-reference title as well. Thus, the analysis line for Division I of the topic *Evidence*

The Index is based on the Decennial, but it is also an index to the Key-Number Series and to the many and increasing number of Key-Numbered digests not included in the American Digest System.

As to the American Digest, Key-Number Series, the Descriptive-Word Index is in one sense less full, though it includes most of the cross-references, and indexes every Key-Number line. New phases of the law occasionally arise, and will continue to arise, and new things become subjects of litigation. For these, new index lines are required, and occasionally, though not often, even new sections or black letter lines must be introduced into the classification, using the device of the half number. As will be seen hereafter, the searcher can locate these new sections by means of the Index quite simply by locating the next broader division of his subject; i. e., the division into which it naturally falls.

§ 18. How to Read Division Lines of Sections

To get its full meaning, a black letter line in the classification must be read in connection with the classification line of the next larger division in which the line falls, and that in turn must be read in connection with the next larger division still, and so on until the topic is reached. If the black letter line is a 2-em dash line, it must be read in connection with the next preceding full line, since it is a subdivision of such full line. So, also, an italic line in the Decennial must be read with the black letter line of which it is a part.

In the analysis of topic *Equity*, section lines 417-420 are set out as follows:

- § 417. Decree pro confesso.
- § 418. — Requisites and validity.
- § 419. — Opening or setting aside.
- § 420. — Effect.

The last three lines should be read as follows:

"Requisites and validity of decree pro confesso," "Opening or setting aside decree pro confesso," and "Effect of decree pro confesso."

Illustration

Referring to the analysis of *Evidence* in the Decennial (Reference Book, p. 348), the black letter line for § 33 is "Legislative proceeding and journals." This must be read in connection with the line for § 27, "Laws of the state," and that in turn with the analysis line for Division I, "Judicial Notice," and that with the topic title *Evidence*. The exact meaning of the line for § 33 will then be clear.

is "Judicial Notice." *Judicial Notice* is a cross-reference title in the Decennial (and also a title in the Descriptive-Word Index), under which cross-references will be found leading to *Criminal Law*, *Evidence*, *Intoxicating Liquors*, and other topics, under which it is also an analysis line. Thus, all analysis lines for divisions, subdivisions, etc., of topics in the classification, appear in the Descriptive-Word Index, either as titles or as reference lines.

Again, there are three italic lines under § 25, the third one reading, "Township organization." This is but a subdivision of the black letter line, "Political divisions and bodies." Thus, the meaning of the italic line is clearly "Evidence—Judicial Notice of Organization of a Township as a Political Body."

(a) *Reading Index Lines*

Similarly, an index line must be read in connection with the word under which it is placed, or, if it is a sub-line of the index, then in connection with the full index line under which it falls.

§ 19. **Caution**

This chapter has been devoted to what may appear an unnecessarily detailed explanation of the classification, construction, contents, and features of digests. Knowledge of these things is essential, if one is to get the maximum benefit from the use of these books. The underlying principles are so simple, however, that one who has thoroughly mastered the points explained will find the methods of using the digests quite easy. To those methods we may now turn our attention.

CHAPTER IX

USE OF DIGESTS—FINDING CASES BY USE OF DESCRIPTIVE WORDS—USE OF "WORDS AND PHRASES"

- § 1. Introduction.
2. Two Methods of Using Digests.
 - (a) Search Based on the Principle of Law.
 - (b) Search Based upon the Facts.
3. Theory of the Descriptive-Word Method of Search.
4. Descriptive Words—Analysis of.
 - (a) Subject-Matter.
 - (b) Party or Parties Concerned.
 - (c) The Cause of Action or Ground of Defense.
 - (d) Object of Action.
 - (e) Point of Controversy.
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5. How to Analyze the Case in Hand and Selection of Descriptive Words.
 - (a) Subject-Matter.
 - (b) Party or Parties Concerned.
 - (c) Cause of Action or Ground of Defense.
 - (d) Object of Action.
 - (e) The Point of Controversy.
 - (f) Miscellaneous.
6. Use of Descriptive Word.
 - (a) Illustrations I-V.
 - (b) Selection and Use of Specific or General Words.
 - (c) Difficulties Presented by Very Specific Questions.
7. Use of Descriptive-Word Index with Key-Number Digests.
 - (a) How to Use the Descriptive-Word Index with the American Digest, Key-Number Series.
 - (b) How to Use Descriptive Words with State Digests.
 - (c) How to Use Descriptive-Word Index with Reporter Digests.
8. Use of the Descriptive-Word Method Independently of the Index.
9. Recapitulation of Rules.
10. Use of "Words and Phrases."
 - (a) Contents and Arrangement of "Words and Phrases."
 - (b) Use in Preparing or Construing Written Instruments.
 - (c) Initial Use in General Search for Cases.
 - (d) "Words and Phrases" as Topic in Standard Classification.
 - (e) "Words and Phrases" in the Reporters.
 - (f) Use in General.
11. Lists of Patents, Trade-Marks, and Trade-Names Adjudicated.
12. Conclusion.

§ 1. Introduction

The object of the preceding chapter has been to give the reader a working knowledge of the mechanical features of the digest. The possession of this knowledge is of importance to one who wishes to use the digests in his search for authorities. As will appear when we come to treat the use of text-books and encyclopædias, they require less detailed explanation, because they do not contain many of the features which have been introduced into the modern digests, such as "Tables of Cases Affirmed, Reversed, or Modified," etc. Indeed, the modern digest combines the features and char-

acteristics of many other classes of books, and to get the maximum benefit from its use one should understand the purpose and use of each "feature" and its relation to the whole compendium. This has made necessary the somewhat detailed explanation of digest construction. If the reader finds that he is having difficulty in understanding the methods of search explained below, or that the references to the various features of the digest, the use of which is necessary to success in the search for concrete authorities, are not understood, he is urged to go back to Chapter VIII and study it again carefully, until he understands thoroughly the mechanical construction of the books.

In the explanation of digest construction, considerable space was devoted to a description and explanation of the cross-reference titles and cross-references leading up to their compilation and consolidation with the black letter lines of the classification, to form the one-volume alphabetical Descriptive-Word Index. This is an important branch of the subject, and one with which the brief maker should be thoroughly familiar, because it is by the proper, and in a sense scientific, use of this index that concrete authorities can most easily be located in the digest. So, again, the reader is urged to re-read that part of the preceding chapter until he is sure that he has in his mind an exact and complete chart of the indexing and cross-reference system.

When one resorts to a digest, or, indeed, begins any search for precedents, one of two situations exists: Either (1) he starts simply from his statement of the facts involved in his client's case, under which circumstance also he has presumably fixed upon the principle of law which governs it; or (2) he already has a citation to some reported case in point with which he is familiar.

In the first situation, he is in search of his "first case," while in the second he already has a first case. In this chapter we shall give our attention exclusively to an explanation of how to find a first case in the digest, and shall leave for a later chapter the methods to be followed when one already has a first case.

§ 2. Two Methods of Using Digests

In speaking of the search for precedents generally in Chapter VII, § 7, it was pointed out that either of two methods may be pursued. The search may be based primarily upon the principle involved or primarily upon the facts of the case.

(a) *Search Based on the Principle of Law*

While the rule is by no means universal, investigators who search for precedents from the standpoint of the principle of law involved usually resort to text-books and encyclopædias, the repositories of principles, while those whose search is based on the facts usually resort to digests, the repositories of the concrete applications of the

principles to the facts. There is, however, no definite line of demarcation between the two classes of investigators. While there are many who habitually resort to the digest in their search for authorities, and probably most of them base their search on the facts, there is a large number of investigators who search from the standpoint of the principle.

If the search is undertaken from the standpoint of the principle of law involved, practically the same method will be employed in resorting to the digest as to an encyclopædia.¹ This means that the searcher will turn to that topic title which he conceives will most probably contain what he is looking for, and will then go carefully through the analysis of that topic in search of the desired black letter line.

The successful pursuit of this method of search, whether applied to a digest or an encyclopædia, presupposes the existence of two conditions, if it is to lead to prompt results, and these conditions do not very frequently coexist. First, the lawyer must know exactly what rule governs his case—not the broad principle, but the narrow and particular rule, hedged round with conditions. Secondly, he must have so thorough a knowledge of the theory of classification on which his particular digest is compiled that he can turn to the particular topic where his principle is illustrated by decided cases. Unless this second condition is satisfied, he is almost certain to go on a rambling search—a sort of fishing expedition—and because his search is unscientific and unmethodical, he is certain to waste time, and, however extensive his knowledge of the law, he will be fortunate if, after several hours, he finds the proper topic containing the line of cases for which he is looking.²

(b) *Search Based upon the Facts*

On the other hand, in resorting to the digest, the search for precedents may be based upon the facts of the client's case. The conditions which must exist to make such a search successful are simple. Moreover, they are fundamental conditions, and must exist

¹ Until recently there was practically only one way of using an encyclopædia. The recent publication of the Cyc. Index has altered the situation with regard to that publication, however, as explained in Chapter XIII, § 5.

² There are many lawyers who search for authorities by means of the principle of law involved who complain bitterly of the expenditure of time involved and the unsatisfactory results of their search. The difficulty does not ordinarily lie in the books used, whether encyclopædias or digests, but in the searcher's real ignorance of the rules by which the propositions of law are classified and distributed among the different topics—rules which have been developed by years of experience, and which it would take the lawyer a long time to learn without some special instruction. The other method of search, that based upon the facts is far simpler and easier; but any one who insists upon a search by principle should understand the theory of classification quite thoroughly. The rules governing the classification and distribution of matter in a digest are covered in Chapters XVII and XVIII.

if any search of any kind is to bring results, namely, that the investigator knows his facts, that he knows what he wants to find, and that he has formulated a reasonable working hypothesis. This last condition does not require that he should know the exact principle governing his case, but only that he shall be able to see that a particular principle probably governs. Neither does it require him to know the theories or rules of classification. This second method, which for convenience may be called the Descriptive-Word Method, ignoring as it does all considerations of the science and theory of digesting, is essentially practical, and, as such, commends itself as the mode best adapted for the average practitioner. Therefore it will be necessary to explain it at some length.

§ 3. Theory of the Descriptive-Word Method of Search

In every case presented to a lawyer, as in every case decided by a court of law, the facts constitute the essential elements of the right of action or of defense.

It is these essential elements of decided cases which have been indexed in digests of the American Digest System, by the cross-reference system, and which are indexed more fully and thoroughly in the Descriptive-Word Index; that is to say, the cross-reference titles or index words are descriptive of the facts which have been litigated in the past. This system of indexing is based upon the theory that many of the facts which have been the subjects of dispute in decided cases will again be subjects of dispute in future cases.

The theory of the Descriptive-Word Method of search is, broadly stated, that if the brief maker will select a word describing one of the essential salient elements of his case, and will locate that word, or one of its synonyms, as an index word or a cross-reference title, he will find thereunder a reference to the place in the digest where his authorities will be found.

Although the Descriptive-Word Method is by no means a new thing in the use of the American Digest System, of standard digests generally, or even of other well-indexed digests, and although it may be applied with success independently of the Descriptive-Word Index, the following explanation is for convenience based exclusively upon that Index, because in it this theory of indexing has been carried out in greater detail than ever before, and because it is an index to all Key-Numbered Digests, and, through the Decennial, to the Century Digest.

§ 4. Descriptive Words—Analysis of

As already stated, the facts constitute the essential elements of the right of action or of defense in every case decided and every case presented to a lawyer. The method of finding authorities in

the American Digest System by use of descriptive words is based on the fact that in every statement of facts there will be found a number of words which are descriptive of some essential element of the right of action or of the defense, as the case may be. These elements may be defined as follows:

The Subject-Matter.

The Party or Parties Concerned.

The Cause of Action or Ground of Defense.

The Object of Action.

The Point of Controversy.

In other words, every case contains elements (i. e., facts) which come within each of these terms. But each of these classes of facts will require further definition.

(a) *Subject-Matter*

By subject-matter must be understood those concrete things and places relative to the suit being prosecuted, without the existence of which the cause of action or ground of defense or the specific point of dispute could not have arisen. It means the physical things (not being persons) upon which the dispute is predicated, and over which a person exercises a right, and with reference to which another person lies under a duty. They must be objects perceptible through the senses.

Automobiles, Sidewalks, and Embankments are things perceptible through the senses; they must exist as physical objects, before a cause of action alleging negligent use or defective condition can arise regarding them.

So *Manual Training Schools, Garages, and Railway Stations*, are places perceptible through the senses, and must exist before a cause of action alleging mismanagement or nuisance can arise in relation thereto.

Books and Records are also things perceptible through the senses, and must exist before a dispute can arise regarding their production in court; hence they also may constitute the subject-matter of a dispute.

The nouns that describe these concrete objects and places are therefore words descriptive of the subject-matter.

(b) *Party or Parties Concerned*

This must be understood in its broadest sense, as including not only the parties plaintiff and defendant, but also other parties actually involved, as, for instance, one who interpleads, or for whose custody the action is brought, or on whose behalf the suit is prosecuted by a parent or guardian, or whose presence as a witness is required, etc.

The descriptive words selected must describe such a person as a member of a class or occupation, or with reference to a relation which he bears to others. Thus, *Photographer, Child, Collector, Cosmetics*.

Ward, *Next Friend*, and *Conductor* are all words descriptive of such persons. Obviously many, and indeed most, words descriptive of parties concerned will not be technical words.

It should be specially remembered that it is not essential that the person should be a party to the action. It is merely essential that he be concerned in the action. He may be merely involved in the controversy. The action may have arisen over the acts of some person not a party plaintiff or defendant in it, in which case the word describing that third person would be descriptive of "a party or a person involved" in the controversy, though not of a party to the action. This may be illustrated by supposing that an action brought by A. against B. arose over the acts of C., who was A.'s agent. The word "agent" would be descriptive of a person involved in the controversy, though he is not necessarily a party to the action.

(c) *The Cause of Action or Ground of Defense*

By the cause of action must be understood some wrong suffered by reason of another's neglect of a duty. By ground of defense is meant those matters which constitute a reason in law or fact why the plaintiff should not enjoy the remedy which he seeks.

Words descriptive of the cause of action or ground of defense are words which describe a wrong suffered by reason of another's neglect of duty, as *Personal Injuries*; *Delay*.

Or words that describe some legal obligation ignored, as *Stop*, *Look and Listen*; *Ordinary Skill*.

Or words that describe some statutory or constitutional provision which has been infringed, as *Eight-Hour Law*; *Sherman Act*.

Or words that describe some affirmative wrong, as *Graft*; *Boycott*; *Ejection*.

Or words that describe a reason in law or fact why plaintiff should not recover what he seeks, as *Failure of Consideration*; *Act of God*; *Former Adjudication*; *Contributory Negligence*; or *Self-Defense*.

(d) *Object of Action*

By the object of action is meant that particular kind of relief for which the plaintiff is seeking. Thus, such words as *Restraining Order*; *Possession*; *Restoration*; *Injunction*—are words descriptive of the object.

(e) *Point of Controversy*

By the "point of controversy" is meant that particular point of law or procedure arising in the case and other than the cause of action or ground of defense, and which is for the moment in dispute. In a broader sense, it would include the cause of action or ground of defense. This is always a point in controversy, but the point in controversy is not always the cause of action or ground of defense. For instance, it may be a question of the admissibility of evidence, of the right to amend a pleading, or of whether the court has discretion in

certain matters. Therefore, as division (c) above provides for words descriptive of the cause of action or ground of defense, we may best limit this fifth division to include only points in controversy other than the cause of action or ground of defense, as this restriction will lead to greater clarity of analysis.

Words descriptive of the point of controversy are therefore words describing points of law or procedure arising in the case, such as *Right to Amend*; *Discretion*; *Failure of Evidence*; *Withdrawal* (of juror); *Quashing*.

Or words relating to evidence, its relevancy, competency, and materiality, as *Declarations*; *Credibility*; *Character*.

Or words relating to the pleadings, as *Surplusage*; *Time of Filing*; *Certainty*; *Variance*.

(f) *Miscellaneous*

It must not be supposed that this classification of descriptive words limits absolutely the choice of words descriptive of any particular case, or that a word chosen must fall definitely in one class or another. Thus, it occasionally happens that the same word will describe both the subject-matter and cause of action. Or it may be difficult to tell to which class a particular word belongs, though careful analysis should answer the question.

The important point is that the word chosen as descriptive should describe an essential salient fact of the case, and it is important that it should fall within one or the other class mentioned only because the choice should be the result of analysis of the facts of the particular case, and such facts are the necessary elements of every case.

§ 5. How to Analyze the Case in Hand, and Selection of Descriptive Words

Before selecting words descriptive of any particular case, it is necessary to make certain that the statement of facts is complete. For every case there *must* be some subject-matter upon which it is predicated. There *must* also be parties to the action; unless the proceeding is *ex parte*, there will be two or more such parties; and it will frequently happen that there are third persons involved, as we have already seen. Further, there *must* be a cause of action or a ground of defense, for otherwise there would be no main issue to bring the case into court. Again, it *must* have as its object some relief which is sought by means of the proceeding brought. Lastly, there *may* be a point of controversy subsidiary to the main cause of action or defense, though, of course, this will not be so in every instance.

When the brief maker has assured himself that his statement contains the essential elements, he may proceed to the selection of words descriptive of them, of which words he will do well to make a list. He should select as many such words as practicable. But every word chosen must describe a salient fact—a fact that is important, relevant

to the point under investigation, significant, and not one merely incidental. For in every complete statement of facts there will be facts which, although essential to the existence of the case, have no bearing upon the decision to be reached—essential, but not salient, facts. The descriptive words chosen must describe facts that are *both essential and salient*.

This process may best be explained by illustrations.

(a) *Subject-Matter*

Case I. A., who is a photographer, has taken a picture of Miss B. He places one of the pictures in a showcase, on the street, at the foot of the stairway leading to his gallery. Miss B. objects to this exposure of her picture on the public street, but A. refuses to remove it.

The subject-matter, without which this dispute could not have arisen, is the *Photograph*. We may therefore select *Photograph* as a descriptive word; and, since a photograph is a *Picture*, we may select that word also as descriptive of the subject-matter.

(b) *Party or Parties Concerned*

Case II. Yang Chung, a Chinaman born in Peking, was brought to this country by his parents while still under age and before the Chinese Exclusion Act of 1882 was passed. In 1889, when of full age, he entered business as a merchant in Spokane, and so continued until 1900, when he went back to China, leaving the conduct of his business to his partner, also a Chinaman. When, in 1902, he again came to America, he presented the passport or certificate required of returning Chinese merchants by the statute. The certificate being in proper form and setting forth all necessary information, he was admitted by the immigration authorities, and at once resumed his business. Meantime, the firm had suffered reverses during his absence, and accordingly the partnership was dissolved within a month after his return and the business wound up. Yang Chung thereafter entered the employ of a railroad as day laborer. About six months later, United States Chinese inspectors brought proceedings for his deportation, under the Act of Congress excluding Chinese laborers from the United States.

Under this state of facts, does Yang Chung's passport or certificate aforesaid protect him from deportation?

In this case, the word *Chinaman* describes a party concerned, and, as the nationality of such party is a salient fact of the case, the word may properly be selected as descriptive of the case.

(c) *Cause of Action or Ground of Defense*

Words descriptive of the cause of action or ground of defense are, of course, usually words that are part of legal terminology, such as negligence, assault, etc. But this is not objectionable, if the word is sufficiently specific—that is, not so general as to be vague and so lead to too great an amount of cross-reference matter.

Case III. A corporation engaged in manufacturing wire rope sues another corporation engaged in the same business in the same state. The complaint sets forth that the plaintiff is the owner of a registered trade-mark, consisting of a red or other distinctively colored streak applied to or woven in a wire rope, and that defendant corporation is unfairly competing in trade by palming off on the public rope of its manufacture as plaintiff's rope.

Is this a subject over which the federal courts have jurisdiction?

One of the salient phrases in the statement is *Unfair Competition*, and illustrates the selection of a word descriptive of the cause of action.

(d) *Object of Action*

Case IV. A., who had disappeared many years previously, returned to his home town, having changed his name in the meantime. There he married his niece, who did not know of the relationship. Under the laws of this state, such marriage within the degrees of consanguinity is void ab initio. B. brought suit for the annulment of the marriage and for alimony. Authorities are desired on the question of alimony.

In this case the words descriptive of the object of the action are *Alimony* and *Annulment*.

(e) *The Point of Controversy*

Case V. In an action on a fire insurance policy, the plaintiff claimed that the fire was occasioned by an explosion of mill dust. Expert testimony was offered as to the explosiveness of such dust. The experts in question had made experiments to test the explosiveness of this material as compared with that of gunpowder. It was contended that their testimony as to such experiments could not be admitted as evidence.

The point in controversy is the admissibility of evidence as to the experiments made by these experts. The word *Admissibility* is too broad to be selected as a descriptive word, as it goes to practically all questions of Evidence. However, *Experiments* and *Expert Testimony* may be selected as describing the point in controversy.

(f) *Miscellaneous*

It will be noted that, in each of the foregoing illustrations, words have been selected which were descriptive of one class of facts only. In each instance, other words descriptive of other classes of facts in the same case might have been selected also.

Thus, in Case I, the word *Photographer* is descriptive of a party concerned, and *Exposure* of the picture is descriptive of the cause of action. The action necessarily had an object, though whether it was damages or injunction does not appear from the statement.

In Case II, *Passport* is descriptive of the subject-matter, and *Deportation* of the object of the action.

In Case III, the *Trade-Mark* is subject-matter without which the

case could not have arisen. So, also, is *Wire Rope*, to which the trademark applied. *Corporation* describes a party to the action.

In Case IV, the word *Consanguinity* describes the ground of the cause of the main action, but is not relevant to the subsidiary question of alimony, which is the immediate issue. *Niece* and *Uncle* are both descriptive of the parties concerned.

In Case V, *Mill Dust* is descriptive of subject-matter, and *Explosion* goes to the ground of defense. While both words are descriptive of essential facts constituting the case, such facts are not salient as regards the point on which authorities are desired.

Every case must contain the various elements we have described, and careful analysis of any case on which authorities are sought will enable the searcher to identify them. On the other hand, it is necessary to select words which are salient, and almost always descriptive of something that has or may have an important bearing upon the problem.

Thus, there must always be parties to any proceeding, but the class of persons or the occupation to which any party belongs may not appear in the statement of facts. Neither may the statement show that he bears any relation to any other party or person. This is because such class, occupation, or relation is entirely irrelevant and immaterial in the solution of the problem. For instance, in a case involving the breach of a contract for the sale of a horse, the purchaser may be a plumber, or a sea captain, or a university professor, but his occupation has no bearing on the case, nor would a word descriptive of his occupation be a *salient* word, if it happened to appear in the statement of the facts.

Every case must include as its elements facts belonging to the first four classes, and in many instances the fifth class will also be represented—i. e., there will be a point of controversy subsidiary to the cause of action or defense. While these elements are all essential, they are not all salient. To a successful search for authorities by the descriptive-word method, it is necessary that the words selected should describe an element that is not only essential, but salient. Stated differently, every salient word describes an essential element, but not every word describing an essential fact is salient. Only a salient word can be regarded as descriptive of that phase of the case on which the court renders a decision.

§ 6. Use of the Descriptive Word

Having selected as many words as possible that describe salient essential facts of his case, the brief writer is prepared to begin his actual search for authorities.

Let him turn to the Descriptive-Word Index and locate therein the Index Word corresponding to the first descriptive word. Under it he

will find a varying number of index lines, arranged in alphabetical order. Their general character has already been explained. Each index line is followed by reference to a topic, and usually to a particular section or group of sections, in the Decennial, where matter relating to the thing indexed is digested. The use of descriptive words will be understood best from illustrations and comments thereon. The five cases already stated in § 5 above may well serve the purpose satisfactorily, as the reader is already familiar with the statements of facts.

(a) *Illustrations* ⁸

Case I. The words selected as descriptive of subject-matter of this case were *Photographs* and *Picture*. Turning to the Descriptive-Word Index, we find that *Photographs* is an Index Title. Running down the column of reference lines under it, we find one which reads: "Publication of one's picture as—," and under this is a sub-line: "Violation of right of privacy," followed by a reference to *Constitutional Law*, § 83 (1). Here and in the other illustrations which follow it seems desirable to show the exact typographical appearance of the matter in the Index.

PHOTOGRAPHS

Publication of one's picture as—

Exercise of liberty of the press. **Constitutional Law**, 90.

Violation of right of privacy. **Constitutional Law**, 83 (1).

Again, let us try the word *Picture*. *Pictures* is found to be an index word; but examination of the various reference lines does not bring to light any appropriate reference. There is, however, at the beginning of the column a general reference to the word *Photographs*, which, had we gone to *Picture* originally, would have led us to the appropriate reference under *Photographs*.

PICTURES

See this index—**Photographs**.

Copyright. **Copyrights**, 9, 16, 67.

Evidence. **Evidence**, 155 (8), 359, 382, 383 (10), 438.

Preliminary to introduction. **Evidence**, 380.

That defendant's picture was found at scene of burglary. **Burglary**, 36.

License taxes on dealers in. **Licenses**, 16 (10).

Mandamus to compel removal from rogues' gallery. **Mandamus**, 82.

Obscene pictures. **Obscenity**, 5.

Peddling picture frames. **Hawkers and Peddlers**, 3 (1).

Publication of one's picture, as exercise of liberty of the press. **Constitutional Law**, 90.

Use by witness to explain testimony. **Witnesses**, 252.

⁸ Although the particular reference lines found in each instance are reproduced in the text, the reader is urged to locate them in the specimen pages of the Reference Book—I, e., pp. 297 to 338.

Following our reference under *Photographs* to the topic *Constitutional Law*, § 83 [1] in the Decennial, we find that paragraph [i] under that section digests the case of *Pavesich v. New England Life Ins. Co.*, 50 S. E. 68, 122 Ga. 190, 69 L. R. A. 101, 106 Am. St. Rep. 104, as follows:

"The publication of a picture of a person without his consent as a part of an advertisement to exploit the publisher's business is a violation of the right of privacy of the person whose picture is reproduced, and entitles him to recover without proof of special damage."

This case illustrates two points: First, the best descriptive word is usually that word which is most specific, and most accurately descriptive. In the second place, when the descriptive word proves to be an index word, it may not refer one directly to the digest, but may send one to another index word. Even where the first index word does send the searcher directly to the digest, it is well to examine the matter under any other appropriate index word to which there may be a reference.

Suppose, now, that we take the word "*Exposure*," which is descriptive of the cause of action in this case. This, also, is an index word, but is not followed by any index line appropriate to the present search. This shows that not every descriptive word will lead to success, and that it is important to select a number of descriptive words from analysis of the statement of facts. On the other hand, it will frequently happen that as many as a half dozen of the words selected will all refer directly to the same section in the digest, or will lead to it indirectly through one of the others.

Case II. The word here selected as descriptive of a party to the action is *Chinaman*. This word does not appear as an index word, but we find *Chinese*, the adjective or noun plural which corresponds to it. Under this word are various references, including the following:

CHINESE

Exclusion or expulsion. *Allens*, 17-38.

The word *Passport*, descriptive of subject-matter, also appears in the Index:

PASSPORTS

Chinese. *Allens*, 28.

Certificate, also, is descriptive of the same subject-matter. We find various kinds of certificates appearing as index words, including *Certificates of Residence*, under which only one reference is given.

CERTIFICATES OF RESIDENCE

Chinese. *Allens*, 29.

And, again, under *Deportation*, describing the object of the action, we find the following:

DEPORTATION

Chinese. *Allens*, 31, 32.

The reader will observe that the first reference which we have located is to *Aliens*, §§ 17-38, and includes all the others. On going to the digest, these sections are found to constitute Division II of the topic *Aliens*, the analysis line for the division is *Exclusion or Expulsion*.

The black letter line for § 28 (referred to under *Passports*) is a 2-em dash line, reading "— Certificates of Identification." The next preceding full line (of which this line is a subdivision) is "§ 23. Chinese persons excluded."

Under § 28, we find many cases having a close bearing on the question in hand, notably the case of *United States v. Yong Yew*, 83 Fed. 832. But the search should not be dropped here as if completed. The preceding full line should always be examined, as well as its other subdivisions, as the cases there found may very likely contain other cases bearing on the problem in hand. And since the division within which these sections fall all deals with the *Exclusion or Expulsion of Aliens*, a careful searcher will examine all the black letter lines under it and the cases under those lines which look in any way promising.

Indeed, when one has located a section of the digest containing cases in point, it is always advisable to look through the topic analysis (at least, of the division or subdivision), as it may suggest to him new phases of his own problem, which had not previously occurred to his mind.

For similar reasons, it is always important to examine such cross-references as may be found appended to the black letter line, or to the division or subdivision, and, in the shorter topics, even those which follow the analysis thereof.

Case III. The word here selected as descriptive of the cause of action is *Unfair Competition*. The Index contains the following:

UNFAIR COMPETITION
Trade-Marks and Trade-Names, 67-101.

If, on the other hand, we select *Trade-Mark* as describing subject-matter, we find that it is the title of a topic as well as an index word.

The best results will be obtained by examining the analysis of the part of the topic indicated by the above reference. This proves to be Division IV, "Infringement and Unfair Competition," of which subdivision B is "What Competition Unlawful," and thereunder we find section lines covering what constitutes unfair competition. The cases thereunder go to the merits of the case in hand, though not to the particular point in controversy.

Thus § 70, "Imitation or Simulation," subsections (1) "In general" and (") "Marks, devices, or symbols" contain cases directly in point.

But the particular point in controversy in the main case is one of the jurisdiction of the federal court. In the analysis of this topic, no section or division is found suggestive of jurisdiction, except § 90,

"Jurisdiction and Venue," under which only one case is given in the Decennial and that is not in point.

However, if the reader examines the cross-references under § 90, he will find a reference to *Courts*, § 292. Exactly the same reference appears among the cross-references which follow the topic analysis.

Under *Courts*, § 292, a line of cases are digested, showing clearly that federal jurisdiction over trade-mark cases is dependent on diversity of citizenship; whereas in our case the action is between corporations doing business in the same state, and, so far as the statement shows, corporations of the same state.

This case illustrates the importance of examining all the sections referred to, and also the cross-references under the topic and under the various divisions, subdivisions, and sections thereof.

Case IV. In this case *Annulment* and *Alimony* were both indicated as describing the object of the action. So, also, *Allowance on Annulment* is descriptive of such object, which is financial provision for the maintenance of the plaintiff. All three words are found to be index words, followed by numerous references, which include the following:

ALIMONY

Annulment of marriage, allowance of alimony.
Marriage, 62.

ALLOWANCE

Annulment of marriage, allowances in suit
for. Marriage, 62.

ANNULMENT

Marriage—
Divorce.
Judgment, 569.
Marriage, 57-67.

The word *Marriage* also describes a salient fact, and is necessarily an index word, being a topic title of the classification. Under it we find the reference:

MARRIAGE

Alimony on—
Annulment. Marriage, 62.
Divorce. Divorce, 199-288.
Allowances on annulment. Marriage, 62.
Annulment. Marriage, 57-67.

Again, *Husband and Wife* describes parties concerned, and under that phrase in the Index we find this reference:

HUSBAND AND WIFE.

Annulment of marriage—
Infants, 78 (7).
Marriage, 56-67.
Statutes, 131, 161.

The other descriptive words indicated in § 5 (f), though found in the Index, do not prove fruitful of appropriate reference.

The reference to *Marriage*, §§ 57-67, proves, on turning to the analysis of the topic, to include only 2-em dash lines and sub-lines under some of them. The preceding full line (§ 56) is *Annulment*, so the

lines referred to are all subdivisions thereof. As our case is one involving Annulment of Marriage, all these lines should be examined.

On the specific question of financial provision for the plaintiff in the nature of *Alimony*, the specific references to *Marriage*, § 62, cover "Alimony and Allowance." Under it we find the case of *Stapleberg v. Stapleberg*, 58 Atl. 233, 77 Conn. 31, directly in point, two points of the case being digested there.

This case indicates how several different references may lead to the desired section or sections of the digest. The descriptive words chosen must be properly and accurately descriptive, and some of them may fail to produce appropriate or suggestive references. But it is not necessary that one, and only one, particular word should be chosen.

Case V. The words here selected as descriptive of the point in controversy were *Experiments* and *Expert Testimony*. Both words are titles in the Index under which the following references appear:

EXPERIMENTS

Experts, results of experiments—
Evidence, 557, 558 (10).

EXPERT TESTIMONY

Evidence, 105, 144, 505-567, 570-574.

The black letter line for the first section indicated under *Experiments* reads as follows: "Experiments and results thereof." Reference to the analysis of the topic *Evidence* shows that it comes within Subdivision D, "Examination of Experts," of Division XII, "Opinion Evidence."

Furthermore, § 558 falls within the same subdivision, the section line reading "Cross-examination and re-examination," subsection (10) reading "Experiments and results thereof."

The reference to *Evidence*, §§ 505-567, under *Expert Testimony*, includes, among several others, subdivision D above mentioned. As a general rule, the specific references under *Experiments* are to be preferred. Going to section 557, we find the case of *Orient Ins. Co. v. Leonard*, 120 Fed. 808, 57 C. C. A. 176, which is directly in point.

(b) *Selection and Use of Specific or General Words*

The reader will have noticed that in the various illustrations given above, descriptive words of narrow and specific meaning usually led to the desired authorities by an easier and quicker route than the words of more general meaning. Thus, in Case I, both *Photograph* and *Picture* describe the same subject-matter; but, the former being more specific, led more directly to the desired section of the digest. Similarly, in Case V, *Experiments* was a word of narrower meaning than *Expert Testimony* and the reference under it was more specific than the reference under *Expert Testimony*.

Therefore, though no absolute rule can be laid down, it will generally be found better to select as descriptive words which are reason-

ably narrow and specific in their meaning, and to resort to more general terms only after these have failed to produce appropriate references.

(c) *Difficulties Presented by Very Specific Questions*

It often happens that the question presented by the statement of facts of a case is so specific, or involves the application of such a narrow and specific rule of law to the particular subject-matter of the action, that the Index reference, although indicating the place where the general law relating to the subject-matter is digested, will not lead to the cases most closely in point. In that event, a cross-reference will usually be found under the black letter line of the section to which the index has referred us, or under the division or subdivision of the topic, which contains such section. This cross-reference indicates the place where the specific question is covered.

For this reason, it cannot be too emphatically urged that, even when one has found what appears to be the appropriate section covering his case, he should always examine such cross-references as may be found under the black letter line, or under the division or subdivision of the topic.

One illustration (which the reader can follow in the Reference Book) will serve to emphasize the importance of examining the cross-reference under the various analysis lines to which the investigator is led by the references he has found in the Index:

Suppose that A. has leased a farm to B. under a lease containing a covenant that B. will not allow weeds to overrun the land. Upon breach of this covenant the question arises as to what damages A. can recover in the suit against B. The word "*Weeds*" is descriptive of the subject-matter of controversy, and we find it as a title in the Descriptive-Word Index as follows:⁴

WEEDS

Destruction of noxious weeds. **Agriculture,**
1, 8.

The Key-Number *Agriculture*, § 8, referred to, will be found, among other places, in Volume 2, American Digest, Key-Number Series; the black letter line reading "*Weeds and other noxious plants.*"⁵ Now, this section covers the general subject of weeds growing on agricultural lands; but in the above case we have a more specific question, namely, that of the liability of the lessee to the lessor arising under a covenant to prevent the growth of weeds. The reader will note that, immediately following the black letter line for § 8, there is a cross-reference reading as follows: "*Breach of covenant in lease to keep demised premises free from weeds, see Landlord and Tenant, § 136.*" Following this reference we find that § 136 of *Landlord and Ten-*

⁴ See Reference Book, p. 338.

⁵ See Reference Book, p. 450.

ant is a 2-em dash line reading "*Rights and duties of tenants in general*," being a subdivision of the full black letter line (§ 135) ⁶ "Cultivation of land under farm lease," such section falling in Subdivision B, "Enjoyment and Use," of Division 7, "Tenancies and Enjoyment, Their Use Thereof."

This illustration gives us a subsidiary rule, which must be borne in mind constantly, namely, if the proposition of law in which the investigator is interested is so specific as not to be covered by the black letter line to which he is referred by the Descriptive-Word Index, he should examine the cross-references under such black letter line in the Digest itself, before trying out another descriptive word. This rule may be extended to include the cross-reference lines found under the subdivision and division, and even the main topic, within which the black letter line falls.*

Moreover, in this connection it may be pointed out that, even if the section to which the investigator is led by a reference in the Index covers the exact phase of the law in which he is interested, it is well to examine such cross-reference lines as may appear under it. They will often lead him to additional lines of cases which, while not strictly in point, are analogous to his own; or they may suggest new phases of the questions involved in his own case which had not previously presented themselves to his mind.

§ 7. Use of Descriptive-Word Index with Key-Number Digests

The Descriptive-Word Index is primarily an index to the Standard Classification as it reached its permanent form in the Decennial Digest, and also to the particular matter contained in that Digest. As already stated, it must not be supposed that the Index can be used to advantage only in connection with the Decennial. The reader will remember that a Key-Number Digest is one which is compiled strictly on the classification in the Decennial, and in which the number attached to that particular black letter line is identical with the number attached to that same black letter line in the Decennial.

Therefore, a reference in the Index to *Discovery*, § 90, is a reference to *Discovery*, § 90, in every Key-Number Digest. This means that the Descriptive-Word Index can be used with any Key-Number Digest, whether local or general, state, Reporter, or Key-Number Series, in precisely the same manner as with the Decennial.

⁶ See Reference Book, pp. 450 and 467.

* The reader will observe that, in dealing with Case III above in this same section, we had another excellent illustration of the importance of examining the cross-reference under the section, etc., to which we were led by our reference in the Index.

(a) *Use of the Descriptive-Word Index with the American Digest Key-Number Series*

The Index may be used with the various volumes of the Key-Number Series in the same manner as with any other Key-Number Digest. It is not only a complete index to the classification, but serves to index specifically a great part of the matter contained in this Series, just as it does of the matter in any other Key-Number Digest. As to this last, however, its use must occasionally be supplemented by that of the cross-reference topics in the various volumes. The reason for this becomes clear when it is remembered that new things are constantly becoming subjects of litigation. A particular article may exist for a long time without becoming a subject of any lawsuit, and until litigation arises as to such article it will not be indexed as subject-matter. Articles which have not been the subject of litigation before the close of the Decennial period, but which have since been the subject-matter of a decision, will be found to appear as cross-reference titles in one or more volumes of the Key-Number Series.

When the brief writer finds that the subject-matter of his client's case is a salient as well as an essential fact, and that the specific word which describes it accurately does not appear either as an index word in the Descriptive-Word Index or as a cross-reference title in the Key-Number Series, he may generally assume that such specific article has not previously been the subject-matter of litigation. In order to find cases involving analogous, though not identical, subject-matter, he should select as descriptive of the subject-matter of his client's case a broader word which will include it, as well as including other similar subject-matter. For instance, let us suppose that his case involves the negligent operation of an *aëroplane*, resulting in a collision, and consequent injury to plaintiff's person or property, that the *aëroplane* was actually operated by a servant of the owner, but that the owner accompanied him and was in the *aëroplane* at the time of the accident. It happens that no case has appeared in the reports of injury from the negligent operation of an *aëroplane*. Therefore if *Aëroplane* be selected as a descriptive word, it will not produce any reference, either in the index or in the Key-Number Series.⁷

This does not mean that cases involving the same point of law cannot be reached by the Descriptive-Word Method. To find cases involving *similar* subject-matter, the investigator must select a word of broader meaning, such as *Vehicle*, or a word de-

⁷ The word *Aëroplane* appears in Volume 9 of the Key-Number Series, but the case to which it leads is one involving an alleged infringement by the Curtis Company of a patent taken out by Orville and Wilbur Wright.

scriptive of some particular vehicle as closely similar as possible to an aëroplane, as, for instance, *Balloon*. The broader word, however, is more likely to produce appropriate references in the index. Moreover, it must be remembered that such analogous cases may be reached by taking words descriptive of some salient fact other than the subject-matter.

(b) *How to Use Descriptive Words with State Digests*

Remembering that the references given in the Index are to topics and sections of the classification, and are therefore Key-Number citations, all that is necessary, when referring from the Index to a Key-Number State Digest, is to note the Digest title and Key-Number indicated by the index line which seems most pertinent to the facts of the case in hand, and then turn to the corresponding title and Key-Number in the Digest for the cases.

There are, however, forty-eight states and more than seventy jurisdictions, including intermediate courts of appeal, in the United States, and obviously it is impossible that all the varied questions decided by all these jurisdictions can have come within the experience of any one court or state; and so it not infrequently happens that a desired case in point, which cannot be found in the Digest of one state, is found in the Digest of another state.

Therefore, when using the Key-Number Index with a State Digest, and having found a reference therein to facts which seem pertinent to the case in hand, if the Key-Number cannot be found in the State Digest in question, the omission of such Key-Number may be regarded as evidence that the facts referred to in the index have been dealt with by some other state or jurisdiction, though not by the one represented by the Digest being examined.

The indolent or careless lawyer frequently neglects to search beyond his own State Digest for cases that may help him to determine the law of his case in hand, even when such digest fails to yield any cases in point; but the conscientious, painstaking, and progressive lawyer will not jeopardize the interests of his client, nor his legal reputation, by stopping there, so long as he believes there is the least probability of finding helpful cases in other jurisdictions.

Moreover, the mere existence of an appropriate index line in the Descriptive-Word Index, followed by a Key-Number reference, shows that there must be cases on the point in one or more jurisdictions. An index line cannot exist unless there are cases to be indexed.

(c) *How to Use Descriptive-Word Index with Reporter Digests*

What has just been said with regard to the use of the Descriptive-Word Index in connection with the Key-Numbered State Di-

gests applies also to its use with those of the Reporter Digests⁸ which are Key-Numbered. The only difference is that as the latter cover a group of states, and consequently a large number of cases, the brief maker is more likely to find a case exactly in point in these than in a digest covering one state only.

§ 8. Use of the Descriptive-Word Method Independently of the Index

The composition and construction of the Descriptive-Word Index was explained in Chapter VIII, § 17, and the system of cross-references placed both under cross-reference titles and under topic titles in the digests themselves was set forth in the same chapter. The reader will remember that, as explained therein, this system is in effect an index dispersed throughout the body of the digest.

From these statements, it will be seen that, even when one has not the index at hand, he can nevertheless apply the Descriptive-Word Method of search successfully in using any standard digest. Almost identically the same rules may be followed, if the searcher will treat as index words both the main titles and the cross-reference titles in the digest itself, and will examine the cross-references that appear under them, and also, in the case of any main title, the analysis of the topic. In doing so, this method of search will generally bring quicker results if the descriptive words selected do not correspond with topic titles. In applying the Descriptive-Word Method to the American Digest System without the intervention of an index, it is well to start the search for any word selected in the Decennial, because the amount of matter digested therein greatly exceeds that in any volume of the supplementing Key-Number Series. But his search should always be extended into the various Key-Number volumes. Indeed, when located in the Decennial, the word may not bring to light any reference appropriate to the case in hand; whereas, on examination of the Key-Number Series, such reference may be found under the same word in one or other of the volumes.

Although the Century Digest might be used successfully as the starting point of a search for precedents by descriptive words, the Decennial is to be preferred to it, because at the time the Century was compiled the idea of the Descriptive-Word Method had not been so fully worked out as when the Decennial was prepared, and accordingly the cross-references are not so numerous nor so satisfactory as in the Decennial.

⁸ See note preceding the List of Standard and Key-Number Digests in Chapter 6 (list g) of the Appendix.

§ 9. Recapitulation of Rules-

We may now recapitulate the rules which the brief maker should follow in using the Descriptive-Word Index and the Digests themselves.

1. Draw up a concise statement of the facts of the case, making certain that it contains all the essential elements which must be present in every case.

2. Select as many words as possible which describe essential salient facts of the case falling within one or other of the following classes:

- (a) Subject-matter.
- (b) The party or parties concerned.
- (c) The cause of action or ground of defense.
- (d) The object of action.
- (e) The point in controversy other than the cause of action.

3. Locate in the Descriptive-Word Index words or titles corresponding to the descriptive words. It is well to find a number of such index words, if possible.

4. When an index word corresponding to a descriptive word has been found in the Index, examine all the index lines under it, and select therefrom any one which appears likely to cover the point involved in the case. If the descriptive word shown does not appear as an index word, try synonyms of it. For instance, if *meteor* is the descriptive word but does not appear in the Index, try *aërolite*. Again, if the word selected is a verb or an adjective, it is usually necessary to exchange it for the noun corresponding to it.

5. Find in the Digest the Key-Number section or sections indicated by the black letter reference appended to the Index.

6. If the black letter line for a particular section referred to is a 2-em dash line, always examine the next preceding full line of which it is a subdivision, and the other 2-em dash lines, and any sub-lines following under such full line. This process may lead to a line of analogous cases.

7. If the index line refers to two or more consecutive section lines of the Digest, examine the part of the topic analysis within which they fall, in order to discover their relation to each other and to the topic. Such reference to a number of consecutive sections will often prove to be a reference to a subdivision of the topic or to a full black letter line with various 2-em dash lines under it.

8. In every instance, it is desirable to examine such cross-references as appear under the section or black letter line referred to, or under the division and subdivision of the topic within which such black letter line falls. If the topic is a short one, it is well also to run through the cross-references following the topic analysis.

9. If the descriptive word chosen proves to be a main title of the classification, as well as an index word, or to be an index word under which several pages of index lines appear, it is well to try out the other and more specific descriptive words before proceeding to examine the index lines under the first descriptive word, as doing so may save time and labor.

§ 10. Use of "Words and Phrases"⁹

Analogous to the Descriptive-Word Method of searching for precedents in the digest is the use of the eight-volume compilation of "Words and Phrases." This book does not fall within the term "Digests," being a hybrid publication—neither a digest, nor a dictionary, yet similar to both. As this compilation is unique, no effort has been made to classify it, and the explanation of its use cannot properly be applied to other books.

The use of "Words and Phrases" as a means of finding precedents, as well as a handy book of reference for definitions, has not been fully developed in the past; but it will be found that, in many instances, the search for authorities may advantageously be begun in this compilation.

(a) *Contents and Arrangement of "Words and Phrases"*

This compilation consists of a collection of words and phrases, both technical and otherwise, which have been the subject of construction and definition by the courts in decided cases. The definitions are taken from the opinions of the court. They are therefore judicial definitions and constructions. Since they are arranged in the alphabetical order of the words and phrases defined, they are easily accessible.

(b) *Use in Preparing or Construing Written Instruments*

In drawing wills, contracts, and other instruments, it is often necessary to learn in advance exactly what construction the courts will probably place on a word or phrase. It is not sufficient merely to be familiar with the abstract rules of interpretation. The exact legal purport of the language used must be understood.

A long and exhaustive search of the authorities is usually impracticable, and the question can usually be solved by locating in "Words and Phrases" the definition of the word or phrase under consideration, and so finding how the courts have interpreted its meaning in the past. In this connection, it is not ordinarily necessary to go to the original source of the definition; i. e. the opinion of the court. Indeed, this compilation is authoritative, and is not infrequently cited by the courts, with or without citation to the original source.¹⁰

⁹ See Chapter V, § 13, above.

¹⁰ The explanation of this is simple. "Words and Phrases" is in effect a book of primary authority. Definitions and constructions, of which the

(c) *Initial Use in General Search for Cases*

We may next consider in detail the use of "Words and Phrases" as the starting point of a general search for precedents when a case turns on the meaning of a word.

Very often the result of the case on which the brief maker desires authorities depends on or at least involves the proper definition or interpretation of a word or phrase. To illustrate by concrete examples, let us suppose that the following cases are presented to the brief maker:¹¹

Case VI. A statute gives to all mariners a lien on the vessel on which they are employed as security for wages. X. was employed on a whaling vessel solely for his skill in finding or catching whales. He did not contract (and was not at any time required) to take any part in the operation of the ship. On return from the voyage a dispute arose as to his wages, and he claimed the lien provided for in the statute.

It is obvious that the decision of this case rests on whether X. is a mariner within the meaning of the statute.

Turning to the word *Mariner* (volume V, pp. 4370 and 4371), we find various definitions of this word, one being a special reference to the crew of a whaler. It is followed by a citation to the case of *The Minna*, 11 Fed. 759, 760.

Case VII. In his will, the provisions of which were kept secret until his death, the testator made a bequest of \$10,000 to his son A., conditional upon A.'s having married prior to the testator's death, and an additional bequest of \$25,000, to be divided in equal portions among the "issue of A.'s marriage." A. moved to a sparsely settled and inaccessible part of Washington. He entered into marital relations with B. No marriage ceremony of any kind was performed at any time, but the parties mutually agreed to consider themselves as man and wife, and they at all times, and without fraudulent intent, held themselves out to the world as being so. On the death of the testator, A. claimed the said conditional bequest.

His right to the bequest clearly rests on the interpretation of the word "marriage" in the will. Turning to the word *Marriage* in "Words and Phrases," volume 5, we find a number of pages of definitions of the word. Under a subline are various definitions of *Marriage* with reference to the creation of the relation, and more especial-

work contains about 115,000, are taken from the reports themselves and are quoted verbatim, excepting only in so far and in such instances as the sentence structure in the original, or the adverbs and pronouns used therein, made necessary additions or minor changes in order to render the meaning clear by indicating the character of the context or to suggest the circumstances under which the construction was made.

¹¹ They may be followed in detail by turning to the specimen pages of "Words and Phrases" in the Reference Book, pp. 115 to 130.

ly, its solemnization. For the most part, these support the statement that, in most jurisdictions, the present assent of the parties to immediate marriage creates the relation, without any formal solemnization.

Following each definition will be found one or more citations to cases in which it has been laid down by the court. Thus, as in the previous case, we are referred directly to a case in point—one in which the same word was construed by a court under circumstances similar to those involved in the main case. In other words, we have found our “first case” in point, and so have completed the first step of an exhaustive search, just as we did in the five cases in § 6, above.

(d) *“Words and Phrases” as Title in the Standard Classification*

The date of publication of “Words and Phrases” was 1904. In order to supplement that compilation adequately, a Cross-Reference Title *Words and Phrases* was introduced into the classification in the Decennial Digest, and will therefore be found in that and in all succeeding Key-Number Digests, as well as in the Index-Digests in the later Reporter Volumes and Advance Sheets.

(e) *“Words and Phrases” in the Reporters*

In the indexes to the Key-Number Reporter Volumes and Advance Sheets, the references following the words listed under the topic *Words and Phrases* are citations to cases reported therein, showing the exact location of each definition in the opinion.

(f) *Use In General*

The reader will generally find it better to refer in the first instance to “Words and Phrases” itself, supplementing his search therein by an examination of the topic *Words and Phrases* in the Decennial and Key-Number Series. In many instances, however, the lawyer will not have access to “Words and Phrases” itself. He will nevertheless find the topic *Words and Phrases* in the digests of great value.

No paragraphs, such as appear in “Words and Phrases” itself, are inserted under this topic, but an alphabetical list of words and phrases appears; each word being followed by a citation in the nature of a cross-reference to the topic, section, and paragraph in which the corresponding definition will be found in the same digest that includes the list. Such paragraphs are of the same character as those in “Words and Phrases.”

To illustrate, let us suppose the following case:

A statute provides that respective occupants of adjoining lands used for farming shall maintain partition fences, unless they mutually otherwise agree, and owners of land who do not maintain lawful partition fences cannot recover for trespass by the animals of owners of the adjoining lands, with whom partition fences might have been maintained. The question arises whether the term “owners of lands” includes a tenant as the occupant of land, so that, if he has failed to maintain a partition fence, he is precluded from recovering for tres-

pass by animals of the owner of the adjoining land, with whom a partition fence might have been maintained; that is to say, analysis of the facts discloses that the specific question involved in the statement is the meaning of the phrase "owners of lands" as used in the statute—whether that phrase includes a tenant of lands.

This suggests that some light might be thrown on the problem by consulting the title *Words and Phrases*. If we turn to that title in Vol. 2, American Digest,¹² and examine the list of words included thereunder, we find in its proper alphabetical order the reference "Owners of lands, see Animals, § 92 (d)," indicating that a definition of this phrase will be found in this volume of the digest, in the topic *Animals*, § 92, and in paragraph (d) of that section.

§ 11. Lists of Patents, Trade-Marks, and Trade-Names Adjudicated

There are certain other lists provided for in the American Digest Classification whose purpose and use is analogous to that of the topic *Words and Phrases*, and which are of sufficient interest to lawyers having certain classes of practice to deserve specific mention here.

The black letter line for the last section [§ 328] of the topic *Patents* reads "Patents Enumerated."¹³ Under this section in the various Key-Number Digests a list is given of particular patents whose validity, construction, and infringement have been adjudicated in cases covered by the particular digest. A similar list of Trade-Marks and Trade-Names Adjudicated appears under the final Division [V] of the topic *Trade-Marks and Trade-Names*.¹⁴

§ 12. Conclusion

Referring once more to the Descriptive-Word Method of search, it cannot, of course, be expected that this method will locate authorities exactly in point for every case that might possibly arise, for that would presuppose that every possible set of facts has at some time been presented to the courts. Where a statement of facts discloses an absolutely unique case, or a case of first impression, no authorities exactly in point can be found, because they do not exist. For example, suppose a case of negligent operation of an airship belonging to an aerial navigation company doing business as a common carrier. Clearly the investigator cannot at this date be led to any case absolutely in point. At the same time, it is to be presumed that those principles of law which have been worked out and applied to other common carriers will be applied to this new class of carriers when it comes into existence. Therefore, if, without being too general, the words selected

¹² See Reference Book, pp. 455 and 474.

¹³ See Reference Book, pp. 468 to 470.

¹⁴ See Reference Book, pp. 471 and 472.

as descriptive are broad enough to include analogous states of facts, they will lead the investigator to cases so closely analogous as to serve his purpose.

As already remarked, the method of finding authorities by use of the descriptive word can be used with any digest compiled on the Standard Classification, and, indeed, with any good digest in which the cross-references are numerous and specific.

The reader's attention is also called to the fact that the Descriptive-Word Method is the only practical method available in any instance where he recollects the facts of a case which he knows to have been decided, but of which he has forgotten the title and citation. Such a case can be found by selecting words descriptive of such known facts, and following the methods explained above.

CHAPTER X

USE OF DIGESTS FOR EXHAUSTING AUTHORITIES

- § 1. Introduction.
- 2. Identity of Divisions and Subdivisions.
 - (a) Illustration.
- 3. Identity of Section Numbers in Key-Number Digests.
- 4. Use of Key-Numbers in Digests.
 - (a) Illustration.
- 5. Finding Key-Number Corresponding to a Known Century Section by Means of Pink Table.
 - (a) Illustration.
- 6. Locating the Key-Number for the First Case Already Identified before Examining the Digest.
 - (a) Cases Prior to 1906—Decennial Table of Cases.
 - (b) Cases Later than September, 1906—Tables in Key-Number Series.
- 7. Finding the Facts of a Case.
- 8. Conclusion.

§ 1. Introduction

In the preceding chapter the reader has had pointed out to him a method of using the digest for finding a concrete case similar to the one disclosed by his client's statement of facts. It was shown that in every statement of facts certain essential elements should be represented, that words may be selected describing one or more of the salient essential elements, and that by locating in the Descriptive-Word Index those same words, or their synonyms, as index words, the brief maker will be led to the particular topic, and, under it, the section or sections, in the Decennial or other Key-Number Digest used, where cases in point must be classified, if they exist. The object of this initial search is to find a first case.

This finding of a first case is an exceedingly important step in the search for authorities; but it would not be of much real assistance to the brief maker unless such first case could be used as a key to other cases involving the same question and similar facts. The first case thus found may be in some jurisdiction the decisions of which are not regarded as of much weight in the jurisdiction in which the brief maker's case is to be heard. It may even be contrary to the brief maker's view of the case. If the case under investigation is of any importance, then for various reasons it is desirable to collect all authorities possible, and not merely the cases in the particular jurisdiction in which the case is to be heard.

Moreover, the brief maker wishes to get the latest cases. These are important to him, because it is the late cases that show the latest modifications of the law. Few people realize the increase in the volume of case law during the last fifteen or twenty years. It is clearly indicated by the following facts:

The final topical division used in the American Digest System is

the "section." Of these sections there are about 44,000. Each of the volumes of the American Digest published since 1906 contains matter classified under not less than 28 per cent. of these 44,000 sections, and altogether the thirteen volumes covering the period from 1907 to the fall of 1912 contain matter classified under 76 per cent. of these sections; that is to say, during these seven years there have been new decisions on 76 per cent. of the points decided in the previous cases. It is therefore of vital importance to the brief maker that he should be able to trace these later decisions.

Fortunately, a first case being found, the process of exhausting the authorities is largely a mechanical one. The case first found becomes a key which unlocks the door to the whole body of case law covering similar points, so that it is not necessarily of importance to the investigator in what jurisdiction such "first case" was decided, or whether it has been overruled by a later case, or is of a date so early as to minimize its value. That this is so is due to the fixity and consistency of the Standard Classification Scheme.

§ 2. Identity of Divisions and Subdivisions

As was pointed out in Chapter VIII, not only are the 412 main titles of the Standard Classification Scheme absolutely fixed titles, but if a topic is divided into main divisions, and these main divisions further divided into subdivisions, such divisions and subdivisions are absolutely fixed; that is to say, in every digest of the American Digest System, the main titles and the divisions and subdivisions of those titles will be found to be exactly the same. The result is that if the brief maker finds a single case covering a desired point in one standard digest, and identifies the location of that case in terms of the topic, division, and subdivision of the classification, it furnishes him a guide to the location in all other digests compiled on the Standard Classification of all cases involving the same rule, regardless of whether such standard digest is also a Key-Number digest.

(a) *Illustration*

Suppose that the case on which authorities are desired is one involving the question whether a public school teacher has authority to inflict corporal punishment on disorderly pupils. Suppose, also, that the brief maker resides in Missouri, and therefore desires Missouri cases, if possible, and that he has access only to the Key-Number Series of the American Digest and to the Missouri Digest (1905), which is a standard, though not a Key-Number, Digest.

Let us further suppose that by selecting *Corporal Punishment* as a descriptive word we have been directed to the topic *Schools and School Districts*, § 176, which appears in Volume 9 of the Key-Number Series.¹ This section number is followed by the 2-em dash line "Cor-

¹ See Reference Book, pp. 574 to 576.

poral Punishment," the next preceding full line being section 174, "Punishment." Under section 176 we find one case from Missouri and one from Arkansas.

In order to find Missouri cases prior to 1906, we must refer to the Missouri Digest above mentioned,² since we have assumed that the Decennial and Century are not at hand.

In order to find the sections of the Missouri Digest corresponding to section 176 above, we turn to the analysis of the topic *Schools and School Districts* in Volume 9, Key-Number Series. This shows us that section 176 falls in Subdivision (H) of Division II of the topic. By turning to the analysis of the same topic in the Missouri Digest, we find that Subdivision (H) of Division II corresponds exactly to the Subdivision (H) in the Key-Number Digests, and examination of the section lines coming within the subdivision in the body of the topic brings to light section 96, "Punishment—Corporal Punishment" under which a number of paragraphs are digested.³

This shows the method of finding the corresponding sections in two standard digests where one or neither digest is Key-Numbered.

§ 3. Identity of Section Numbers in Key-Number Digests

The reader will remember that in the Decennial Digest the Standard Classification reached its final permanent form, so that each section or black letter line now has a fixed and permanent section number, which serves as a permanent reference to that black letter line, and always appears in connection with it; such numbers forming a consecutive series under each topic. This is called the Key-Number.

For instance, the black letter line "Adverse Possession" in the topic *Infants*, in Volume I of the American Digest, Key-Number Series, is preceded by the section number 24 (see Reference Book, p. 443). If the reader will refer to the same section number in the analysis of the topic *Infants* in the Decennial Digest (see Reference Book, p. 374), he will note that it is followed by precisely the same black letter or section line.

Digests which are compiled on the Standard Classification as it appears in its final form in the Decennial are called Key-Number Digests.

Though, in the following explanation, we shall refer almost exclusively to the Key-Number Series of the American Digest System, which supplements the Decennial, every statement or rule is to be understood as applying word for word to all other Key-Number Digests.

§ 4. Use of Key-Numbers in Digests

When the brief maker has located a first case in point in the Decennial (either by the Descriptive Word or by other methods to be ex-

² See Reference Book, pp. 649 to 654.

³ See Reference Book, pp. 649 to 654, for digest pages referred to in text.

plained later), his next move is to exhaust the law; i. e., to locate all prior and later cases on the same point. The section which contains his first case in the Decennial Digest will usually be found to include other paragraphs on precisely the same point, based on other cases in which the facts are closely similar. It does not follow, however, that he will wish to cite in his brief every case digested under such section, for the black letter line may be broader in its scope than the proposition under investigation. However, as the facts of every case are obtainable,* he can select from the cases under his Key-Number those which are exactly in point as to fact as well as in point as to law.

As the Decennial covers only down to 1906, he must go to the Key-Number Series in order to supplement it. To do this, let him note the Key-Number and go to the same topic and Key-Number in each volume of the Key-Number Series. In doing so, however, he can save himself the labor of examining those volumes which do not contain any matter digested under his Key-Number. Reference to the latest issue of the "Cumulative Table of Key-Number Sections" (already described in Chapter VIII, § 14) will show him in what volumes of the series his particular Key-Number appears.

As the latest cases are the most valuable, and as there may have been a case in point reported subsequent to the period covered by the latest volume of the Key-Number Series, the search should be carried into the Monthly Digest, which serves as advance sheets of the current volume. Each issue of the Monthly Digest being itself a Key-Number Digest, this process is simple and easy.⁴

(a) *Illustration*

Suppose the point under investigation involves the determination of the right of a passenger on a street railway to receive a transfer to a connecting line. Using the descriptive word "*Transfers*,"⁵ we are referred by the Index to *Carriers*, § 269, in the Decennial, under which are digested several cases on the right of a passenger to receive a transfer.

Turning next to the issue of the Cumulative Table of Key-Number Sections,⁶ distributed with Vol. 14, Key-Number Series, we ascertain that *Carriers*, § 269, appears in Volumes 1, 2, 3, 4, 5, 6, 7, and 14 of the Key-Number Series. By turning to that section of the topic in each of these volumes, we find additional cases on the point under consideration. To bring the search even nearer to date, it is necessary to examine the various issues of the Monthly Digest, looking for

* See § 7 below in this chapter.

⁴ It will be observed that the black letter lines are not printed in the Monthly Digest, only the Key-Numbers being given to indicate the sections of the different topics.

⁵ Reference Book, p. 334.

⁶ Reference Book, p. 426.

section 269 under the topic *Carriers* in each. Considering how short a period is covered by each issue, it will readily be seen that the chance that any particular section will appear in any particular issue is comparatively small, yet it is surprising how often one will be repaid for taking the precaution to examine the Monthly Digest issues by finding a late case in point.

By the process indicated, we have covered the period from 1897 as nearly down to date as can be by means of the digests.⁷ But to exhaust the law we must find the earlier cases also.

All cases prior to 1897 are digested in the Century. Under the black letter line for *Carriers*, § 269, in the Decennial, is a specific reference to 9 Century Digest, topic *Carriers*, §§ 1060-1063. Turning to these sections in the Century, we find that, taken together, they correspond to section 269 in the Decennial, and, by selecting that one which is most appropriate to the main case, we find under it all the cases in point from earliest times to and including 1896. The same Century reference appears under the black letter line of *Carriers*, § 269, in each of the volumes of the Key-Number Series above mentioned.

Thus our first case proves to be a key to all other cases, and the process of finding such other cases, both earlier and later, is a purely mechanical one, in which no time need be spent in referring to the classification or topic analyses, or in examining volumes which did not contain any cases on the point under consideration.

§ 5. Finding Key-Number Corresponding to a Known Century Section by Means of Pink Table

In order to follow the simple method of exhausting the law set forth in section 4 preceding, it was first necessary to ascertain what Key-Number section covered the proposition. Where the first case is located in the Decennial or other Key-Number Digest, the Key-Number is already identified, being the one under which such first case is digested. But the first case is not always located in the Decennial or Key-Number Series. It will often be located in the Century by means of the Table of Cases, as explained below, and perhaps, in some instances, by means of the Descriptive-Word Method applied directly to the Century itself.

However, the first case located in the Century may be made the key to all later cases by identifying the Key-Number which corresponds to the Century section under which such first case is digested. This is done by referring to the Table of Century Sections and their corresponding Key-Numbers included in 21 Decennial Digest and known as the "Pink Table." This table has already been described in Chapter VIII, § 11.

⁷ The search can be brought even nearer to date by examining the Reporter indexes, as explained in Chapter XI, § 6.

The Key-Number thus identified is to be used as the means of exhausting the law subsequent to the Century, in the manner explained in the preceding section of this chapter.

(a) *Illustration*

Let us suppose that the case in which we are interested involves the liability of an infant on his contract for necessities, and that by means of the descriptive word *Necessaries* we have located in the Century Digest a cross-reference reading as follows: "*Contract of Infants for Necessaries, see Infants, §§ 114-127.*"

Going to the topic *Infants* in the Century Digest (see Reference Book, pp. 285 through 292), we find that the sections indicated cover the various phases of the law relating to the liability of an infant on his contract for necessities.

Let us suppose that the particular phase of the question with which we are concerned is evidence as to necessities. In the Century, this is covered by § 126, under which we find ten digest paragraphs.

In order to bring our search down to date, we must locate the Key-Number corresponding to our Century section. Referring to the topic *Infants* in the Pink Table, we run down the column of consecutive Century section numbers till we come to the numeral "126." Opposite this number in the right-hand column we find "50," which is the Key-Number covering our point.⁸

Turning to the Decennial, we find *Infants, § 50*. We find that the black letter line for this section is *Necessaries*, showing that all phases of the question covered by the various Century sections are dealt with under a single section in the Decennial. There are twenty digest paragraphs under this Key-Number in the Decennial.⁹

Going to the Cumulative Table of Key-Number Sections, we find that "*Infants § 50*" appears in Volumes 1, 3, 7, 8, 9, and 12 of the Key-Number Series.¹⁰ The search may be brought even nearer to date by means of the subsequent issues of the Monthly Digest, as indicated above.

§ 6. Locating the Key-Number for the First Case Already Identified before Examining the Digest

Thus far we have assumed that the brief writer has located his first case in the American Digest System by means of the facts of his client's case; but, as pointed out in Chapter IX, § 1, he may have a citation to a case in point before he approaches the Digest. For instance, he may have obtained it from an annotation to the statutes already examined, or may have been familiar with some case in point, or he may

⁸ Reference Book, p. 402.

⁹ See Reference Book, pp. 380 and 381.

¹⁰ Reference Book, p. 429. The exhibit in the Reference Book from each of the first fourteen volumes of the Key-Number Series includes the topic *Infants*.

simply wish to look up later law on a reported case that he is examining. Certain it is that in many instances one who has begun his search in books other than the Digest will have a citation to a case in point before he refers to the Digest at all. Under these circumstances, he approaches the Digest under very different circumstances from those that we have been considering heretofore. What he desires is the Key-Number which covers the particular point in a known case in which he is interested. When such Key-Number is identified, the simple mechanical process already explained will enable him to exhaust the law on the point in question. The various Tables of Cases Digested in the American Digest System furnish a means of identifying the desired Key-Number.

(a) *Cases Prior to 1906—Decennial Table of Cases*

Of these Tables, the first and most important is the "Table of Cases Digested in the Century and Decennial Digests," which occupies Volumes 21-25 of the Decennial.¹¹ It is generally known and will hereafter be referred to simply as the "Decennial Table of Cases."

If the investigator's case was reported during the period prior to September, 1906, he can locate the title in this complete alphabetical table. Following the title and the citations to the reports, he will find references to the section or sections of the Century or Decennial Digests where the different points of the case are digested.

If the desired reference is to the Century, he should go to the Century first, identify his digest paragraph, and then examine the other cases under the same section. After that, he can ascertain from the Pink Table what Key-Number corresponds to the Century section number, and thus obtain the means of completing his search.

If, on the other hand, his first case falls within the Decennial period, his reference is itself a Key-Number citation. The earlier cases can be reached through the Century reference under the black letter line in the Decennial.

And it may sometimes happen that the investigator has access to the Decennial and Key-Number Series, but not to the Century, and that his first case comes within the Century period. Under these circumstances, he cannot examine the digest paragraph for his first case. But this will not prevent him from getting at the cases subsequent to 1896. By means of the Pink Table, the reference to the Century, found in the Decennial Table under the title of his case, can be translated into a Key-Number citation.

In every instance, the investigator should be careful to examine the black letter line of the Century or Key-Number section, if more than one point was decided in his first case, and where there is any doubt as to which of several references is the one which covers his point, he should examine the black letter lines for all such sections. The im-

¹¹ See Chapter VIII, § 15, where the construction of these Tables is fully set forth.

portance of taking this precaution when his case is digested in the Century and he has at hand only the Decennial and Key-Number Series is particularly obvious.

Illustration 1. Suppose that we have located as a case in point *Antrim Iron Co. v. Anderson*, 140 Mich. 702, 104 N. W. 319, in which it was held that, although under the Statute of Frauds an oral contract to sell standing timber is invalid as a contract, yet it is good as a license, and timber cut before the revocation thereof becomes the property of the licensee.

We find that this case appears in the Decennial Table of Cases as follows:¹²

Antrim Iron Co. v. Anderson 140
Mich. 702, 104 N. W. 319, 112 Am.
St. Rep. 434; 2 D. App. & E. §
1066; 9 D. Frds., St. of § 61; 16
D. Princ. & A. § 117(1), 131

It is obvious that section 61 of *Frauds, Statute of*,¹³ is the Key-Number in which we are interested. Turning to this section in Volume IX of the Decennial, we find eight cases digested thereunder. From the Cumulative Table of Key-Number Sections,¹⁴ we learn that "*Frauds, Statute of*, § 61," appears in Volumes 1, 6, 7, 8, 12, and 14 of the Key-Number Series; and under the black letter line for section 61 in these volumes and in the Decennial, we find a reference to 23 Century Digest, *Frauds, Statute of*, § 96.

Illustration 2. Let us suppose that our first case is that of *Appanooce v. Kneff*, 2 Ill. App. 583, which was decided in 1878 (i. e., before 1897), and in which only one point was adjudicated. This case appears as follows in the Decennial Table:¹⁵

Appanooce v. Kneff 2 Ill. App. 583;
25 C. High. § 188

From this we learn that our case is digested in the Century Digest under section 188 of the topic *Highways*.¹³

Let us suppose that we have not access to the Century Digest, but that the Decennial and Key-Number Series are available. In order to find the Key-Number corresponding to our Century section, we turn to the topic *Highways* in the Pink Table, where the Key-Number corresponding to "Century, § 188," is given as "*Highways* 58 (5)." Following this reference, we are led to a collection of 22 digest paragraphs in the Decennial. The Cumulative Table Key-Number Section shows that "*Highways* 58" appears in Volumes 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, and 14 of the Key-Number Series.

Thus we have been able to find all the case law on the point under consideration handed down during the last sixteen years, and this was

¹² Reference Book, p. 411.

¹³ See Table of Abbreviations of Topic Titles which precedes the Pink Table in 21 Decennial. Reference Book, p. 392.

¹⁴ Reference Book, p. 427.

¹⁵ Reference Book, p. 412.

done without making any use of the Century Digest, although the whole process was based on a reference to that publication.

(b) *Cases Later than September, 1906—Tables in Key-Number Series*

Just as the various volumes of the Key-Number Series supplement the Decennial Digest, so the Tables of Cases Digested in such volumes supplement the Decennial Table. Therefore, if the brief writer's first case was reported subsequent to September, 1906, he must look for it in the Table of Cases Digested in one of these volumes, instead of in the Decennial Table. To save time, he should make use of the Tables published at the beginning of each volume, showing what volumes of reports are digested therein. Having ascertained in what volume his case is digested, he can then find from the Table of Cases Digested the Key-Number under which each point of his case is digested.¹⁶ As already pointed out under section 6 (a) above, he should examine the digest paragraphs themselves, in order to make certain which of several possible Key-Numbers is the one with which he is concerned. Having definitely identified his Key-Number, he can exhaust the law by means of it and of the Century reference given under it.

Illustration. Suppose that we are interested in the question of the burden of proof of insanity, where the defense in a criminal case is based on insanity, and that we have already found the Alabama case of *Rayfield v. State*, 52 South. 833, in which it was held that under the statutes of Alabama the burden rests upon the defendant to sustain, by evidence to the reasonable satisfaction of the jury, a plea of not guilty by reason of insanity. By examination of the Tables of Reports Digested, we find that 52 Southern Reporter is digested in Volume 9 of the Key-Number Series.¹⁷ Turning to the Table of Cases Digested (see Reference Book, p. 582), we find a case as follows:

Rayfield v. State (Ala.) crim. law,
331, 773; int. liq. 167.

Referring to the Digest sections indicated, we find that our point appears under *Criminal Law*, § 331. Taking *Criminal Law*, § 331, as our Key-Number, we follow the prescribed method of exhausting the law.

§ 7. Finding the Facts of a Case

In connection with this use of Tables of Cases Digested in a general search for cases based upon a first case, we may conveniently discuss their use for another purpose.

¹⁶ It will be observed that a dagger is printed before the titles of many of the cases appearing in these Tables. The dagger indicates that only a memorandum decision was rendered, so that the case contained no point of law to be digested. See Reference Book, p. 490.

¹⁷ See Reference Book, p. 557.

Attention may also be called to a special table published at the front of each issue of the Cumulative Table of Key-Number Sections, showing what Reporter volumes are covered by each volume of the Key-Number Series. See Reference Book, p. 422.

Let us suppose that the brief maker has found the citation to a case which he has reason to believe supports the proposition which he is seeking to establish. He cannot safely cite this case without knowing quite specifically the holdings, and more especially the facts upon which the court ruled. On the other hand, it will often happen that no report of the case will be available. However, if he can examine all the syllabi of the case, they will give him clear and dependable information which will serve his purpose almost as well.

It has already been explained that the paragraphs for a given case in the American Digest System are practically identical with the syllabi for such case in the National Reporter System. Therefore, by going to the particular Table of Cases Digested which covers his case, he may locate the topics and sections where the several points of the cited case appear in the body of the digest. By examining all these paragraphs, the brief maker will obtain a full summary of both the law and the facts of his case.¹⁸

Illustration. Suppose that we have found in a text-book or encyclopædia a statement of the rule governing a case, and in the footnote attached thereto a citation to the case of *Reed v. Hickey*, 109 Pac. 38, 13 Cal. Appeals, 136. Neither report of the case being accessible, we turn to the digest. Examining the various tables of reports digested, we find that 109 Pacific is covered by Volume 9, Key-Number Series (see Reference Book, p. 422). In the Table of Cases Digested, *Reed v. Hickey* (listed on p. 3230; see Reference Book, p. 582) is followed by references to the following topics and sections: *Contracts*, 10; *Mines*, 53; *Vendor and Purchaser*, 23 and 302. Turning to these sections we find the following paragraphs:

CONTRACTS.

§ 10. Mutuality of obligation.

[c] (Cal. App. 1910)

Though the vendees by their breach of the contract of sale deprive themselves of the right to specific performance, mutuality of the contract is not thereby destroyed, so as to take from the vendor the right to recover the unpaid amounts due under the contract.—*Reed v. Hickey*, 109 P. 38.

MINES AND MINERALS.

§ 53. Options.

See 34 Cent. Dig. Mines, §§ 147, 148.

[b] (Cal. App. 1910)

A contract reciting plaintiff's ownership of a mine, and that defendants are desirous of an option to purchase it for the agreed purchase price of \$36,000, based on the privilege

¹⁸ Although each paragraph will usually contain some facts, the searcher will find that there is one paragraph in which the facts are stated fully and in considerable detail, just as in the Reporters there is always one syllabus paragraph which is largely devoted to summarizing the facts.

of 60 days from date in which to prospect by sinking a shaft at a certain point, providing that, in consideration of the performance of the terms of the contract by defendants, plaintiff covenants and agrees to sell and convey the mine to defendants, at any time within said 60 days, on payments and conditions as follows: The payments provided being \$10,000 on or before 60 days after date, and other payments to make up the price within the year following; providing that all pay gravel taken out by defendants during said 60 days' option shall belong to plaintiff; that improvements placed on the premises by defendants during said 60 days for prospecting shall belong to plaintiff on failure of defendants to make the first payment provided for; that on payment of the first installment within said 60 days plaintiff will execute and deposit a deed in escrow, to be delivered on payment of the balance of the purchase money, but to be returned to plaintiff in case of default in any of the payments or violation of the terms or conditions of the agreement; that on receipt of the first payment plaintiff will turn over to defendants the property and all apparatus owned and used by him in working the mine, and thereupon defendants shall have the right of mining the property for their own benefit; and that a default in payment of an installment at the stipulated time, or a default in other matters stipulated to be done by defendants, shall at once abrogate the agreement, and its provisions shall no longer bind plaintiff, and he may re-enter and assume possession of the mining property and all improvements made or placed thereon by defendants, and the same and all payments on account of purchase price shall be forfeited to plaintiff as liquidated damages for use and occupation of the property—is not a continuing option, renewed as each payment is made and continuing until the next payment, but on the first payment being made it becomes a contract of sale.—*Reed v. Hickey*, 109 P. 38.

VENDOR AND PURCHASER.

§ 23. — Execution.

See 48 Cent. Dig. Ven. & Pur. § 23.

[a] (*Cal. App.* 1910)

Though a contract, constituting an agreement by plaintiff to sell land to defendants, is signed only by plaintiff, defendants by going into possession of the property, and making payments under the contract, accept its terms, and become bound by it.—*Reed v. Hickey*, 109 P. 38.

§ 302. Right of action.

See 48 Cent. Dig. Ven. & Pur. §§ 845-850.

[a] (*Cal. App.* 1910)

A contract of sale of land providing that default in payment of an installment shall abrogate it, and the vendor may re-enter and assume possession, and all improvements put on the property by the vendees, and all payments on account of purchase price, shall be forfeited to the vendor as liquidated damages for use and occupation of the property, does not limit the vendor to his right of repossessing himself of the property, but he may recover the unpaid installments.—*Reed v. Hickey*, 109 P. 39.

These paragraphs, and especially that under *Mines and Minerals*, give us an extremely full synopsis of facts, from which we are able to judge accurately whether it is in point with the proposition which we are briefing.

It cannot be too emphatically stated that this method of ascertaining facts is not suggested as a substitute for examining the report of the case itself when possible, but it will often prove of assistance to the attorney who has not the use of a complete set of reports.

§ 8. Conclusion

The reader will have perceived that, since all the cases on a given point are classified under the same section or black letter line of the standard Key-Number Classification, or in the Century Digest under one or more sections which correspond to that Key-Number section, it follows that the brief maker's first object, when approaching the digest, must be the identification of the Key-Number which covers the particular limited phase of the law in which he is interested.

We have discussed two important methods by which this object may be accomplished. When the digest is approached at the very start of a search for authority, the Key-Number is found by the descriptive-word method—selecting and using words which describe the salient essential facts of the client's case, and locating them in the Descriptive-Word Index.

But when we have already found a first case in point, the Decennial Table of Cases and the similar tables in the Key-Number Series offer the easiest and simplest possible method of identifying the desired Key-Number.

When the Key-Number is located, its use makes the work of exhausting the law in point a purely mechanical process.

A third method of entry into the digest remains to be considered—that of the classification; but as it closely resembles the method applied by most investigators in the past in using the encyclopædias and the usual method of using text-books, it may best be left to a later chapter. Meantime, we shall turn our attention to the use of the National Reporter System, which is closely allied to the use of the Digest System.

CHAPTER XI

HOW TO FIND THE LAW—USE OF THE REPORTERS

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2. Tables.
- (a) Tables of Cases Reported.
 - (b) Tables of Cases on Rehearing.
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- (a) Purpose and Use of Blue Books.
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- (a) Use in Connection with Digests.
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10. Early Reporter Cases Which are Not Annotated Either by Key-Number or Century Reference.
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12. Use of Key-Numbers in Text-Books.

§ 1. Introduction

As a system of law reports the National Reporter System requires specific and detailed explanation, not merely because it furnishes complete, early, and accurate reports of all cases decided by the appellate courts in the various states and by the federal courts, but also because the various parts of the system contain devices by which the cases there reported can be used as clues to other like cases, and by which the Reporters can be connected directly with the American Digest System and with each other.

These special features of the Reporters are important, and are so closely connected with the advantageous use of the System that a lawyer who owns or has access to the Reporters should be familiar with them, in order that he may use them intelligently and with the maximum benefit to himself. Therefore the reader should make his knowledge of the Reporters specific. The more exact his knowledge, the easier will be his work as a practicing lawyer and brief maker.

A general description of the National Reporter System is given in Chapter III, § 6, where also the use of certain of the tables was explained. It may be well for the reader to refer again to that portion of the chapter which treats of the Reporters, in order that he may understand what follows. In this chapter, our attention will be given to those features of the Reporter System which ren-

der it especially valuable in the search for authorities, and we shall explain and illustrate how they may be used to the best advantage.

§ 2. Tables

In the first place, there are found in the various Reporters—both in the advance sheets and in the bound volumes—a number of valuable tables, each of which has its peculiar use and in its own way conveys to the brief maker valuable information.¹

(a) *Tables of Cases Reported*

In each number of the advance sheets of the Reporters, and in each bound volume, will be found a Table of Cases Reported in that particular volume or advance sheet. (See Reference Book, pp. 19 and 63). These tables constitute, of course, a table of contents of the number or volume, and enable the brief maker to find a case of which the title and volume is known, but not the page. When, however, only the title of a case is known, it is better to use the Decennial Table of Cases to find the reporter citation (and, for that matter, the state report or Selected Case Series citations) of any case prior to 1907. Subsequent to that date, the tables of cases digested in the various volumes of the Key-Number Series serves as a means of finding a citation to the Reporter and in many instances to the state reports.²

In addition to these complete Tables of Cases Reported in each Reporter bound volume, there is prepared for the convenience of attorneys and inserted in each volume of the Reporter a table of cases decided by the Supreme Court of their state which are reported in that particular volume. This table is printed on pink paper, and is pasted on the inside of the back cover of the volume. It enables the attorney to locate quickly the cases decided in his own state, and reported in the volume.³

(b) *Tables of Cases on Rehearing*

Another table that aids the brief maker, not so much in finding the law, as in valuing his authorities when he has found them, is the Table of Cases on Rehearing—tables which show in what cases rehearings have been granted or are pending. (Reference

¹ Some of these tables, like the Tables of Cases Reported, are common to all reports. Others are peculiar to the Reporters. As the scope of this volume does not permit of our dealing with the state reports individually, the reader is advised, after reading this chapter, to go through a recent volume of the state reports of his own state carefully, in order to learn what features are represented therein.

² It often happens, however, that as a case is digested in the Key-Number Series before it is reported either in the State Report or has found its way into any Selected Case Series, these tables in the Key-Number will not give that parallel citation, and resort must be had to the special parallel citation tables referred to in Chapter VI, § 7g.

³ Reference Book, p. 87.

Book, p. 94.) They are useful in assisting the brief maker to discover whether the decision which he has found, and on which he wishes to rely in his brief, is final. When he learns from this table that his case is on for rehearing, he is put on notice to ascertain the result of such rehearing from other sources, such as the Tables of Cases Affirmed, Reversed, or Modified.

The necessity and value of this sort of information will be referred to when we take up the subject of weighing and valuing authorities.

(c) *Tables of Cases Transferred to Court in Banc*

In some states, as Missouri, the Supreme Court, in order to expedite business, sit in divisions, two or three judges being assigned to each division to hear the cases, thus enabling the court to dispose of the cases more rapidly. Under certain circumstances cases heard and decided in division may be transferred to the whole court, or, as it is called, "the Court in Banc," for decision. A table showing in what cases petitions for transfer have been filed is put in the Reporter advance sheets, in order that the brief maker may be informed as to the finality of a decision in the division.⁴

(d) *Tables of Cases in Which Writ of Error Was Denied*

In Texas a writ of error will lie in certain cases from the Courts of Civil Appeals (which are intermediate appellate courts) to the Supreme Court. In the advance sheets and bound volumes of the Southwestern Reporter there will be found a table showing the cases in which writs of error have been denied without the rendition of a written opinion, since the publication, in previous volumes of the Reporter, of the original decision of the Court of Civil Appeals. (Reference Book, p. 72.) This information has, of course, a decided bearing in determining the finality, and therefore the value as a precedent, of the decision in the Court of Civil Appeals.

(e) *Tables of Statutes Construed*

In each number of the advance sheets and in each bound volume of the Reporters will be found a Table of Statutes Construed. These tables give the citation of the statute by title, chapter, article, or section as the case may be, and indicate where the case may be found in which such statute was construed. (Reference Book, pp. 83 and 95.) The need of such a table in determining the application of statutes to the case under investigation is pointed out in Chapter VII, in treating of the examination of statutes.

In many states there are annotated editions of the statutes. The Reporter Tables furnish a means of supplementing these statute

⁴ Reference Book, p. 95.

annotations, and bringing them down to date, and of supplying their place in those states where the collected compilations are not annotated.

§ 3. Parallel Citation Tables

Attention has been called in Chapter VI, § 7 (d-h), to the convenience and even the necessity of tables of parallel citations, the purpose of which is to enable the brief maker, when the state report is the only one cited and is not available, to locate the case in some other series of reports.

As already pointed out, one of the important characteristics of the Decennial Table of Cases is that it serves as a complete and general Table of Cases reported and so of parallel citations to all cases prior to 1907.

At the same time, there are special Tables of Parallel Citations for each series belonging to the National Reporter System.

§ 4. Same—The Reporter Blue Books

The parallel citation tables for the National Reporter System are contained in the Blue Books, a separate volume being published for each Reporter. These books contain tables showing the citation of each case reported in the state or other official reports, and in connection therewith the volume and page of the Reporter in which the case will also be found. These tables are printed on blue paper, and are often referred to as the "Blue Tables."

These tables are compiled in two forms: (1) A skeleton table, which gives merely the volume and page of the official report, without the title of the case, arranged in the numerical order of the pages, together with the volume and page of the Reporter in which the case will be found; and (2) a full table of cases, arranged in alphabetical order by titles, with the citation to the Reporter. Specimens of these tables will be found in the Reference Book, pp. 765 to 787.

(a) *Purpose and Use of Blue Books*

The purpose of the Blue Books is to afford a means of translating an official citation into a reporter citation. It often happens that cases are cited in text-books and in the official reports to the state reports only. The state report may not be available to the brief maker, or, even if it is available, he may desire to secure the advantage of the annotations in the Reporter System. To do this he must translate this official citation into the Reporter citation, in order to locate the case in the proper Reporter.

Suppose, for example, that the brief maker has been cited to the case of *Heffington v. Jackson & Norton*, 43 Tex. Civ. App. 560, and he has not access to that series of reports, but has access to the *Southwestern Reporter*. He should resort to the *Southwestern*

Blue Book, turn to the table for 43 Tex. Civ. App. and locate the case in the table of cases. Following the title, in parenthesis, is the Reporter citation (96 S. W. 108).⁵

He may, if he chooses, use the skeleton table at the top of the page instead of the alphabetical table of titles. In this table, the citations are arranged in columns. In the column headed "Tex. Civ. A. Rep." he locates the number of the page of the official report, "560." Exactly opposite, in the column headed "S. W. Rep.," he finds the volume and page of the Reporter given "96 108." When the title of the case is known, it is usually best, however, to use the alphabetical table.

The skeleton table may, of course, be used when the title of a case is not known. It sometimes happens that a case will be cited by the volume and page of the official report, but without the title. So, too, the title may be forgotten, or in making notes hastily the brief maker may neglect to put down the title. In such instances the case can nevertheless be easily located in the Reporter by the skeleton table—the title being unnecessary.

(b) *Blue Table Continuations*

The Blue Books are supplemented and kept up to date by tables of cases inserted in the back part of the various Reporter volumes, and referred to as the "Blue Tables." The particular Reporter volumes which contain these supplementary tables are indicated by a third blue label near the bottom of the back of the volume. On this label is shown the official volumes for which tables will be found in that particular Reporter. For this reason those tables of parallel citations are sometimes called "Blue Label Tables," and sometimes "Third Label Tables."

New editions of the Blue Books are issued at frequent intervals. In each new edition, the third label tables which have accumulated since the previous edition are inserted.

§ 5. Same—Reverse Front Tables

The brief maker should, out of courtesy to the court, give the official citation when possible, and in some states the rules of court require him to do so. To enable him to do this there is a special table prepared for the purpose of translating a Reporter citation into an official or state report citation.

This table is a skeleton table, showing volume and page of the reports, without the titles. The Reporter pages on which the reports of cases begin are given in one column in their numerical order, and directly opposite is given the official or state report citation. These tables are printed on white paper, and should be

⁵ Reference Book, p. 766.

pasted on the inside of the front cover of the bound volumes. An illustration of the table will be found in the Reference Book, p. 789.

The use of the Reverse Front Table has been shown in Chapter VI, but another illustration can do no harm. The brief maker wishes to cite in his brief the case of *Heffington v. Jackson & Norton*, 96 S. W. 108. He desires to give the official citation of the case. He goes to volume 96 of the *Southwestern Reporter*, turns to the Reverse Front Table pasted on the inside of the front cover, and in the column headed "Reporter Page" finds the page number of his citation, "108." Directly opposite, in the column headed "State Report," he will find the official citation "43 Tex. Civ. App. 560."⁶

§ 6. The Reporter Indexes

The indexes to the various advance sheets and bound volumes of the Reporters are digest-indexes; that is to say, they consist of digest material and are compiled like a digest, and, moreover, they are on the Standard Classification. The same main titles are used as headings, under which are distributed all the digest paragraphs showing the points of law decided in the cases reported in their respective volume, and a reference to the case in which the point is decided is given at the end of each paragraph. Each index-digest is cross-referenced in the same manner and according to the same rules as the American Digest System. Thus, these indexes are in reality miniature digests compiled on the Standard Classification, and each covering the cases reported in the volume or advance sheet in which it appears.

Furthermore, in the later volumes (those published since November, 1908), they are Key-Number Digests. The digest paragraph covering each point in these digests is classified to the Key-Number section of the Standard Key-Number Classification under which such digest paragraph is later to appear in the American Digest. Therefore any point of law in a case reported in one of these Reporter volumes, and so digested in the index-digests of such volume, becomes the key by which all cases in point can be reached in the American Digest System. The brief writer needs only to note the Key-Number and follow the method of exhausting the law described in Chapter X, to locate all the cases on his question. Having the Key-Number already, he has no need to refer to the Tables of Cases Digested which we have explained in Chapter X, § 6, in order to find such Key-Number.

§ 7. Reporter Annotations

Though in some of the early volumes of the National Reporter System a few cases were annotated, the practice was abandoned

⁶ See table in the Reference Book, pp. 793 and 794.

in 1890, and it cannot properly be said that the reporters were annotated prior to 1902. However, in 1902, a regular system of annotations—that of annotating to the Century Digest—was adopted and rapidly extended. At first these annotations were confined to the important cases, and to the principal point in the case. Gradually, however, with the completion of the Century Digest, the annotation of cases was extended, until practically all cases were included, though not all points.

But, with the adoption of the fixed section lines in the Decennial Digest and American Digest Continuations, and the invention of the Key-Number, it became possible to annotate exhaustively every point in every case, with the result that in November, 1908, the Key-Number system of annotation was put in operation, giving the brief maker a quick and accurate reference to every case, past, present, and future, involving the same principle as the annotated case. The method of using these annotations is illustrated in the following sections.

§ 8. Same—Century Annotations

As explained above, the Century Digest annotations alone were in use from May, 1902, up to November, 1908, when the invention of the Key-Number made a better system possible. These early Century annotations took the form of an editorial note appended to the headnote of the case, or to a specific paragraph of the headnote, indicating where cases in point could be found in the Century Digest. An example of this form of annotation will be found in the Reference Book, p. 113, where appears a report of the case of *Heffington v. Jackson & Norton*, 96 S. W. 108. It will be noticed that paragraph 2 of the headnote involves the question as to what constitutes necessities for which an infant's contracts are valid. Appended to this headnote, inclosed in brackets, is an editorial note, as follows:

[Ed. Note.—For cases in point, see vol. 27,
Cent. Dig. Infants, §§ 114, 118.]

This note obviously directs the brief maker to the specific topic and sections in the Century Digest where similar cases will be found. This can be verified by turning to vol. 27, Century Digest, and topic *Infants* (Reference Book, p. 287), and examining §§ 114, 118, where will be found many cases involving the question at issue.

But this does not represent the limit of usefulness of the Century Annotations, for, as explained in Chapter X, the Century reference may be used as the means of ascertaining the corresponding Key-Number, and so of reaching cases subsequent to the Century Digest. Turning to the topic *Infants* in the Pink Table (Vol. 21 Decennial; see Reference Book, p. 402), and running down the column of Century section numbers, we find that the Key-Number § 50 corresponds

to and covers both the black letter lines for §§ 114 and 118 in the Century.

This Key-Number leads us to all cases in point in the Decennial and Key-Number Series. It may incidentally be remarked that, as our case of *Heffington v. Jackson & Norton* was decided in June, 1906, we very naturally find it digested in the Decennial under section 50 (see paragraph [q]).⁷

§ 9. Same—Key-Number Annotations

As already mentioned, with the invention of the Key-Number, a complete and exhaustive system of annotation became possible, known as the "Key-Number Annotation." As the syllabus paragraph is the basis of the future digest paragraph, it is possible, by simply marking each syllabus paragraph with the topic and section under which it will eventually appear in the American Digest System, to lead the brief maker from that syllabus to the exact place in the Digest where other cases on that same point will be found. This is the Key-Number Annotation. As the section numbers in the Decennial Digest and the American Digest, Key-Number Series, are identical, any annotation which refers directly to the Decennial Digest topic and section in which cases like the annotated case may be found is in effect a perpetual annotation—an annotation to all future cases, as well as all past cases.

Stated exactly, the first catchword for each syllabus paragraph in the now numerous Key-Numbered volumes and in the current Advance Sheets of the Reporters invariably designates the topic, and the parenthetic number following this catchword invariably indicates the section of the topic, to which that and every similar point in future cases will be classified under the Standard Classification; i. e., under which it will be indexed in the Advance Sheets and bound volumes of the Reporters, and will be digested in the American Digest System.

For example, let us take a paragraph from the headnotes to *Gibbs v. Poplar Bluff Light & Power Co.*, 125 S. W. 840, a case involving, among other points, the question whether physicians' services are necessities for which an infant may be held liable. The fifth paragraph of the headnotes is as follows:⁸

5. INFANTS (§ 50*)—NECESSARIES — PHYSICIANS' SERVICES.

Physicians' services are necessities for which an infant is liable.

[Ed. Note.—For other cases, see *Infants*, Cent. Dig. § 117; Dec. Dig. § 50.*]

In the first place, it will be noticed that the Editorial Note calls attention to the place in the Century Digest and Decennial Digest where similar cases can be found, thus annotating to all past cases.

⁷ This section of the topic *Infants* in the Decennial will be found in the Reference Book, pp. 380 and 381. The corresponding Century sections also appear in the Reference Book, pp. 287 to 289.

⁸ See Reference Book, pp. 99 and 100.

But the paragraph is also annotated to all future cases involving a like question. The first catchword of the paragraph, "Infants," is the title of that topic in which this paragraph will be digested. Following that is the number of the particular section of the topic in which it will appear, namely, § 50. Thus *Infants*, § 50, is the Key-Number and may be used to exhaust all the case law in point, as already described. That it is an annotation to the future as well as to the past has already been stated. This particular case was decided in Texas on February 28, 1910, and was reported in the March 23 issue of the *Southwestern Advance Sheets*. It was digested in Volume 8 of the Key-Number Series. Six volumes of that Series have been published since that time, and *Infants*, § 50, appears in Volumes 9 and 12. Thus, the Key-Number annotation to *Gibbs v. Poplar Bluffs Light & Power Co.* refers to later as well as to earlier cases on the same point. The effect of this is that the annotation, being perpetual, grows instead of decreases in value as time goes on and as the rule of law involved is applied to new and varied states of fact.

A detailed illustration of how to use the Key-Number Annotation under varying circumstances may now be given.

(a) *Use in Connection with Digests*

Let us assume that, while investigating some other question, the brief maker has stumbled on the case of *McConnell v. McConnell*, 74 Atl. 875, which involves a question as to the liability of an infant on his contract for necessities. He is interested in a case involving this question, though not at the time engaged in briefing it. However, he makes a note of the case for future reference.

When the time comes for him to take up the search for authorities in the case relating to infants' contracts he finds in his commonplace book the reference to *McConnell v. McConnell*, 74 Atl. 875, and turns to that volume of the Reporter (Reference Book, p. 105) to read the case. It is not quite what he wants. His specific question is whether a physician's services are necessities for which the infant will be liable.

Nevertheless, by virtue of the Key-Number Annotation attached to the headnotes of the *McConnell* Case he can easily go to the proper place in the digests where the specific authorities may be found. The first catchword of the headnote, "Infants," tells him the topic. The Key-Number section inclosed in parenthesis (§ 50) tells him the section in which cases involving the liability of an infant for necessities will be found in the Decennial Digest and in all subsequent American Digest Continuations.

Turning to section 50 of the topic *Infants* in vol. 10 Decennial Digest (Reference Book, p. 380), he finds there numerous cases involving the question of an infant's liability for other things as necessities, but none "on all fours" with his case—i. e., none as to physician's services. He finds under the black letter line, however, a reference to 27 Century Digest, to the topic *Infants*, and to sections 114, 115, 117-127.

Examining the Century Digest, and the topic and sections indicated (Reference Book, p. 286), he discovers that section 117 covers four cases passing on his particular question—none of them, however, of a date later than 1892.

In order to get the later cases—those subsequent to the Decennial period—he must search in the Key-Number Series. This, of course, he does by means of his Key-Number—"Infants, § 50." The latest issue of the Cumulative Table of Key-Number Sections⁹ shows that section 50 appears in Key-Number Volumes 1, 3, 7, 8, 9, and 12, and the fact that it does not appear in the other seven volumes indicates that during the periods which they severally cover, no cases were decided involving an infant's liability for necessities.

In Volume 1 (see Reference Book, p. 444), the only case under *Infants*, § 50, deals with whether a contract for a course in stenography is a contract for necessities. In Volume 3¹⁰ there are four paragraphs under § 50, and they come from two cases only, and the contracts were not for physician's services. The same is true of the single case under § 50 in Volume 7.

In Volume 8, we find the original case from which we started, namely, *McConnell v. McConnell*, and also *Gibbs v. Poplar Bluffs Light & Power Co.*, from 125 Southwestern. The latter is directly in point, since it involves the liability of an infant for physician's services. In the case of *Harris v. Crawley*, in volume 9, we find an infant held liable for medicine. In Volume 12, there are two cases, in the second of which the alleged necessities were attorney's services, whereas the first deals with the question of the price of articles contracted for, and does not go into that of what constitutes a necessity.

This completes the investigation in the Key-Number Series. To bring it nearer to date, search should be made in the three issues of the Monthly Digest subsequent to the close of Volume 14, Key-Number Series. However, we find that *Infants*, § 50, does not appear in any of these issues, thus indicating that they contain no cases in point.¹¹

We have now, by pursuing the steps pointed out in the foregoing paragraphs, exhausted the cases on the point in issue so far as the digests are concerned.¹²

(b) *Same—When Only State Report Citation is Known*

As a corollary to the foregoing description of the method of using the Century and Key-Number Annotations, and the explanation of the Blue Books contained in an earlier section of this chapter, attention is called to the fact that, even if the state report cita-

⁹ Reference Book, p. 429.

¹⁰ Reference Book, pp. 433 through 634, contain the topics *Infants* and *Innkeepers* from Volumes 1 through 14 of the Key-Number System.

¹¹ Reference Book, pp. 635 to 648.

¹² But see Section 11, below.

tion of the case is the only one known to the brief maker, he can, nevertheless, avail himself of these annotations, if he has at hand the Reporter containing the case and the Blue Books.

For example, suppose the brief maker, interested as above in a case involving the validity of an infant's contracts for necessities, has discovered, in any manner, the case of *Heffington v. Jackson & Norton*, 43 Tex. Civ. App. 560. It is a case in point, but the brief maker desires to find cases from some other other jurisdiction, and, if possible, some later Texas cases on the question at issue. Clearly, as the case was decided in 1906, he can avail himself of the Century Annotation, if he can locate it in the Reporter System.

He proceeds, therefore, to consult the Southwestern Reporter Blue Book (Reference Book, p. 766) by the method already explained. He finds that the *Heffington Case* is reported in 96 S. W. 108. Going to the Reporter volume, he discovers that the case as reported in that volume is annotated to the Century Digest, and by following the methods already discussed the Century reference is made the means of obtaining the Key-Number also.

Even simpler is the situation with a case decided since November, 1908, as it will be found to be Key-Numbered in the Reporter.¹⁸

(c) *Use in Connection with Other Volumes of the Reporters*

The use of the Key-Number Annotation is not limited to use in connection with the American Digest System. It constitutes also a complete annotation to all volumes of the National Reporter System subsequent to November, 1908—the date when this system of annotation was begun. As stated already, the Key-Number applies, not only to the American Digest System, but also to all Reporter volume indexes and Advance Sheet indexes and to some of the Reporter Digests. Consequently, even if the digest is not available to the brief maker, he can at least trace the authorities, since November, 1908, if he has a recent case in point.

To illustrate: Let us assume that the brief maker is interested in the same question of an infant's liability for necessities and has identified the case of *McConnell v. McConnell* as involving his specific point.

Turning to this case in 74 Atl. 875 (Reference Book, p. 103), he finds that the Key-Number covering his point is *Infants*, § 50. Therefore, if he wishes to examine other volumes of the reports for similar cases, it is merely necessary for him to go to the index in each reporter volume published since November, 1908. Remembering that each such index is a miniature Key-Number Digest of

¹⁸ This procedure is necessary only if, as may happen, an investigator who has the Reporter does not have the Decennial Digest. Of course, if the Decennial is available, there is no necessity of going to the Reporter to identify the Key-Number. Decennial Table of Cases offers an easy and simple way of finding the Key-Number under such circumstances. See Chapter X, § 6, above.

the contents of the volume, he simply looks therein for *Infants*, § 50. Thus, when he turns to Volume 125 Southwestern, he finds that this section appears in the index (see Reference Book, p. 82), and under it an index paragraph, appended to which is a citation to the case of *Gibbs v. Poplar Bluffs Light & Power Co.*, reported on page 840.

A similar examination of the index in other Key-Numbered volumes of the reporter will bring to light the same cases we located by referring to Volumes 7, 8, 9, and 12, of the Key-Number Series (covering those published since November 1908), in a preceding illustration:¹⁴

Gibbs v. Poplar Bluffs Co., 125 S. W. 840;

McConnell v. McConnell, 74 Atl. 875;

Harris v. Crawley, 126 N. W. 421, 17 Detroit Legal News, 303;

Appeal of Ennis, 80 Atl. 772;

Sutton v. Heinzle, 115 Pac. 560.

Of course, this particular Key-Number does not appear in the indexes to the other Key-Numbered volumes of the Reporters, for the simple reason that such volumes contain no cases to be digested or indexed under it.¹⁵

§ 10. Early Reporter Cases Which are Not Annotated Either by Key-Number or Century Reference

In the preliminary descriptions of the system of annotating the Reporters, it was remarked that between May, 1902, and November, 1908, the annotation by Century reference was inaugurated and soon extended until it finally applied to all points of all cases. It follows that there is a corollary of this statement that a diminishing number of cases or points were not so annotated.¹⁶ It was also remarked that between 1890 and 1902 there was no system of annotation whatever, and that prior to 1890 only spasmodic attempts were made to annotate the Reporters.

Where a case is not annotated, either by the Key-Number or by the Century reference, it is nevertheless possible to carry the search

¹⁴ Except *International Text Book Co. v. Alberton*, 30 Ohio Cir. Ct. R. 352, which was decided in the Ohio Circuit Court, not in the Ohio Supreme Court, and therefore is not covered by the Northeastern Reporter.

¹⁵ The use of the Key-Number will prove of assistance even where the reader has access to a single Reporter only. Suppose he has only the Southeastern Reporter and the Southeastern Digest. If he has the Key-Number for his proposition, he should first look for cases under it in Vol. 4 of the Southeastern Digest. The search should then be carried back into Vols. 1, 2, and 3 of the Digest, by topic, division, and subdivision. For cases since Vol. 4 of the Southeastern Digest reference is made to the Key-Number in the index-digests in Vols. 71 et seq. of the Southeastern Reporter itself.

¹⁶ The Key-Number Annotations, inaugurated in 1908, annotate, of course, all points of every case.

for authorities into the digest by finding the proper Key-Number through the Tables of Cases Digested. The method of doing this has already been explained in Chapter X, § 6, but a specific illustration may be given here.

Illustration. Suppose the brief maker is interested in the question of what constitutes necessities of an infant, and on a contract for which he is liable. Suppose, also, that he has a reference to the case of *Kilgore v. Rich*, 83 Me. 305, 22 Atl. 176. By examining the report of the case, he identifies the particular point in which he is interested. He further learns that the case was decided in 1891, and will therefore be found digested in the Century. Turning to the Decennial Table of Cases (Volume 23 Decennial; Reference Book, p. 417), he locates his case on page 1311. The citation is followed by a reference to "27 C. Infants §§ 115 and 123." Examining the black letter lines for these sections in the Century, he finds that the one covering his point is section 115. To complete his search by means of the Key-Number, he has only to refer to the Pink Table in Volume 21 Decennial, and, finding the Key-Number, to follow it through the Decennial and the Key-Number Series.

Where a case is reported during the period between the close of the Decennial and November, 1908, the Key-Number must be located by means of the Tables of Cases Digested in Volumes 1 to 4, respectively, of the Key-Number Series.

The method here set forth of obtaining the Key-Number for a case not annotated in the Reporter System may be applied with equal success to any case in the state or federal reports. For instance, if we desire to find authorities on an early case, such as that of *Hoe v. Tuthill*, an early federal case reported in Fed. Cas. No. 6,573, we have only to turn to the Decennial Table of Cases,¹⁷ where we find a reference to "38 Century Digest, Patents 370."

§ 11. Use of Reporter Indexes to Supplement Digests

It has already been explained how, when the proper Key-Number has been found, its use, supplemented by that of the Century reference, enables the searcher to locate all cases in point in the Century, Decennial, and Key-Number Series, and the Monthly Digest. But this is not quite all, for the search may be brought even nearer to date. After the authorities in the Digests have been exhausted down through the latest issue of the Monthly Digest, there still remains a period of about two months during which cases may have been decided involving the point at issue.

Since there are always a few volumes and advance sheet numbers covering the period since the latest issue of the Monthly Digest, and since the index-digests of both bound volumes and advance

¹⁷ Reference Book, p. 416.

sheets are digests compiled on the Key-Number plan, the search may be brought down through the very latest issues of the Advance Sheets. The same method applies here. The process simply involves looking for the particular Key-Number already fixed upon.¹⁸

§ 12. Use of Key-Numbers in Text-Books

One more application of the Key-Number System may be mentioned here, though it will not be discussed until later.

The Key-Number Annotations are inserted in a small, but increasing, number of text-books. The Key-Number section is cited along with specific cases which appear in the notes, and enables the reader of such text-books to supplement the regular text-book annotation by cases decided since the text-book in question was published.

¹⁸ At the date of writing of this chapter, no cases on the question of what constitutes necessities for an infant have been decided since that covered in Vol. 12, Key-Number Series. Accordingly the foregoing illustration cannot be carried through this section of the chapter.

CHAPTER XII

HOW TO FIND THE LAW—USE OF TEXT-BOOKS

- § 1. Introduction.
- 2. Use of Text-Books in General.
- 3. Selection of a Text.
- 4. Mechanical Features of Text-Books.
- 5. Use of Analysis.
 - (a) Illustrations.
- 6. Use of the Index.
 - (a) Illustrations.
- 7. Use of Table of Cases Cited.
 - (a) Illustrations.
 - (b) Use of Table to Supplement Search for Authorities.
- 8. Supplementary Text-Books.
- 9. Same—By Means of American Digest System.
- 10. Same—Use of Century and Key-Number Annotations in the Reporters.
 - (a) Illustration—Century Annotations.
 - (b) Same—Key-Number Annotations in Reporters.

§ 1. Introduction

At the very beginning of this second division of the book it was remarked that it is not the purpose of these chapters on "How to Find the Law" to lay down any hard and fast rules of procedure, or to insist that this or that method should be pursued to the exclusion of any other. Attention was called to the fact that some practitioners, in searching for authorities, depend largely on text-books, others on the encyclopædias, while those of a third class turn usually to the digests. It has already been observed that generally text-books and encyclopædias are better adapted to the study of principles than are digests, and that conversely a digest serves the purpose of an index to precedents better than a text-book or encyclopædia.

Though text-books or encyclopædias are not so well adapted to use as indexes to cases as is a digest, nevertheless they are not infrequently used for that purpose, although they require to be supplemented by the digest in order to locate the recent cases, and to ascertain the facts of the cases cited in the notes. This chapter and the one following it, therefore, cover both the independent use of text-books and their use in connection with the digests.

The work of running down the law, whether the search is for principles or authorities, is by no means easy. Attention has already been called to the necessity of system—of adopting at the outset a plan of search and of following it methodically. But it is not only in the general plan that method must be observed. Each step should be taken with a strict adherence to the general system or method. The absolute necessity of formulating a statement of facts before beginning any search may be emphasized again, for on it must be based a preliminary

hypothesis or theory of the case, which will give definite direction to the search for precedents or discussions of principles. But it is just as necessary that before the brief maker begins to search a particular book—to use a particular tool,—he should study that tool for the purpose of discovering the method of its use, its purpose, and its limitations. In other words, if he intends to use a text-book as the starting point in his search for principles or precedents, he should use it methodically. He should make himself acquainted with the book—its plan and its purpose—before attempting to find in it the precise point upon which information is desired. A mere haphazard search for some statement in the text that will cover the point will result in loss of time, and in all probability in failure.

§ 2. Use of Text-Books in General

In discussing the use of digests, we made a distinction between an original search, where one has yet to locate a first case, and a search based upon a case discovered or known before resort is had to the digest. As will shortly appear, the same distinction may be made as regards the use of text-books.

§ 3. Selection of a Text

The first question which presents itself is the selection of an appropriate text—one which will cover the principle of law involved in the client's case. This offers little difficulty. In a digest or encyclopædia the whole law must be covered and duplication must be avoided. But a text-book is limited to one—usually very broad and general—branch of the law, and at the same time covers matter which in a digest or encyclopædia would fall under many specific rather than general topics. Thus, a work on *Contracts* must cover at least briefly the capacity of various classes of persons to contract—as *Infants*, *Corporations*, *Insane Persons*—and it must set forth certain equitable rules which apply to *Contracts*. This means that the scope of a text-book must be much broader than that of the Digest topic or encyclopædia article which corresponds to it in title. It means, also, that text-books on different subjects overlap very considerably, with the result that, as the lawyer has usually gained his legal education from text-books (or casebooks corresponding thereto), he usually has little difficulty in selecting a text-book which will cover his case. Indeed, he may find two or three on different subjects. For instance, suppose that we are concerned with the liability of an infant on his promissory note. This is an important phase of the law of *Contracts* and will at least be referred to in any work on *Contracts*. It also comes within the scope of books on *Persons* and *Domestic Relations*, wherein the law relating to *Infants* is dealt with, and again a book on *Negotiable Instruments* will take up the capacity of an *Infant* to bind himself by a contract of this specific kind.

Under these circumstances, the selection of the text-book to be used is the easiest part of the problem. It is the use of the books chosen with which we must concern ourselves in the following explanation.

§ 4. Mechanical Features of Text-Books

Text-books are very numerous, and they, like other classes of books, vary greatly, not only in the quality of the text itself, but in the excellence of their mechanical features. Among the mechanical features of text-books which are common to most, if not all, books of this class, and which may be utilized to advantage in a search for precedents are: (1) The Table of Contents, or Analysis; (2) the Index; (3) the Table of Cases Cited.

The first two are appropriate for use in an original search, whereas the last may be used to advantage where the brief writer already has one or more cases in point.

§ 5. Use of Analysis

The Table of Contents of a text-book presents the general outline of the subject, showing the manner in which the author has divided or analyzed it, as indicated by the chapter headings and section headings. Roughly speaking, it corresponds to the analysis in a digest, for it is the author's scheme of arrangement of his matter.

Generally speaking, the brief maker should, as a preliminary step in his use of a text-book, examine carefully the table of contents, for the purpose of determining, from the analysis of the contents there presented, under what heads or divisions the author has probably discussed the particular principle under investigation. If the subject is one with which the lawyer is reasonably familiar, he will probably have in mind a general analysis of the subject. But the author's analysis may not correspond to that with which the lawyer is familiar. Therefore, by a careful study of the table of contents of the text-book, he should seek to learn the general theory on which the author has treated the subject, and, correlating the author's analysis with his own knowledge of the law, govern his search accordingly.

(a) *Illustrations*

In using the analysis—i. e., Table of Contents—of a text-book the same method is followed as in using the analysis of a digest or encyclopædia topic, when such topic has been fixed on as the one most likely to cover the point under investigation.

(1) Let us assume that the brief writer is interested in a case involving the liability of the owner of a dog to a person who has been bitten by the animal. Recognizing that such a case is governed by some principle of the law of torts, he turns to Cooley on Torts (Third Edition), and examines the analysis or table of con-

tents. He soon finds the chapter heading (Chapter XI) "Injuries by Animals," the analysis of which shows him that injuries by vicious animals is discussed in this chapter, beginning on page 690. Turning to the chapter and page indicated, there is found a discussion of the subject of injuries by vicious animals, covering about fourteen pages, a part of the discussion relating to injuries to the person.

(2) A concrete illustration which the reader may follow out by using the proper divisions of the Reference Book may well be given: Let us assume that the brief maker is interested in a case involving the question whether board is one of those necessities for which an infant would be liable on his contract. For the purpose of reviewing the principles that probably underlie such a case, and of discovering some precedent, if possible, the brief maker resorts to *Tiffany on Persons and Domestic Relations* (Second Edition). (Reference Book, pp. 131-152.) It is evident from the title that the book covers rather a wide range. Examining the Table of Contents or Analysis of the subject, he finds that it is divided into several parts, Part I treating of Husband and Wife, Part II of Parent and Child, Part III of Guardian and Ward, and Part IV of Infants, Insane Persons, and Aliens. The first chapter under Part IV (chapter XIV) is, however, confined to Infants. Examining the analysis under that chapter, he finds that the liability of an infant for necessities is discussed in §§ 200-203, pp. 393-400. Turning to page 393, he finds there a statement of the general principles of the law, followed by a discussion of these principles. Reading the text, he finds on page 395 the statement that, in the application of the general principles previously set forth, an infant has been held liable for various specific things as necessities, including among them board, as well as lodging and clothing. Following this statement is a further discussion of the general principles of law applying to contracts for necessities.

§ 6. Use of the Index

If the brief maker is in the habit of tracing precedents from the standpoint of the facts, he will usually go directly to the index of the text-book for the purpose of finding where the law relating to the principal subject-matter of his problem is discussed. The use of the index in a text is analogous to the use of the Descriptive-Word Index. The search is based primarily upon the facts of the client's case. In deciding what words to look under in the index, it is well to choose words which are more or less general. If the index is properly compiled and reasonably full, it will often offer an easier means of approach than the Analysis, as being more likely to lead the brief maker to the specific page or section in the book where he will find a statement of the law and its application.

Even one who traces precedents by the principle will usually be able advantageously to supplement his examination of the analysis by freely consulting the index.

It is always well to examine the analysis after locating the desired discussion by means of the index, for the purpose of learning its relation to the whole scheme of the volume.

(a) *Illustrations*

(1) In the first hypothetical case mentioned in section 3 above, the brief maker might well have gone to the index in Cooley on Torts. Under the index word "Animals" he would have found an index line to the effect that the subject of injuries by vicious animals is discussed on pages 690 to 705. So, too, the word "Dogs" would have furnished a similar reference. Had the question been more specific, as involving the question whether the wife was liable for injuries committed by the husband's dog kept on her premises, the index words "Dogs" and "Married Women" would have furnished references to the place where this specific question is discussed.

(2) We may also take a concrete illustration, based on Tiffany on Persons and Domestic Relations, which the reader may follow in the Reference Book. Assuming again, that the brief maker is interested in the question whether board comes within the category of necessities upon a contract for which an infant is liable, he may go to the index of the text-book named and look for the index word "Necessaries"; that being the subject-matter of the controversy. Under the index word he finds the index line, "Liability of infants, 393." Turning to the page indicated, he finds there the beginning of the discussion of the general rules as to the liability of an infant on contracts for necessities. So, too, he might use the index word "Infants," under which he will find the index line, "Contracts for necessities, 393."

In general it is well to examine index or analysis quite exhaustively, as cross-references are comparatively rare in text-books (the index serving much the same purpose), and different phases of the subject may be covered in widely separated parts of the text.

§ 7. Use of Table of Cases Cited

In every good text-book there is a Table of Cases Cited by the author. This table gives the title of the case, and indicates the page or pages on which the case has been cited in support of some statement in the text. In some tables it also gives the volume and page of the reports in which the case is found. Though this is a great convenience, it is not absolutely necessary to the satisfactory use of the table. This table affords the brief maker a shorter and simpler way of tracing a principle in a text-book, if he has already in mind a leading case involving the proposition in which he is interested.

This additional method is especially valuable when the index and table of contents are imperfect. If, as said before, the brief maker has in mind some leading case on the question at issue, he may, by reference to this Table of Cases Cited, find the place in the text-book where such leading case is cited and discussed, thus opening up the whole discussion, together with other cases involving the same proposition.

(a) *Illustrations*

(1) For example, the brief maker may know that the case of *Woolf v. Chalker*, 31 Conn. 121, 81 Am. Dec. 175, is a leading case as to the liability of the owner of a vicious dog to a person injured thereby. Examining the table of cases in *Cooley on Torts*, he finds that the case is cited on pages 695, 703, 706, and 845, and on referring to those pages he is led to a full discussion of the subject and to a number of additional cases.

(2) To use another illustration, suppose the brief maker knows that a leading case on the liability of infants on their contracts for necessities is *Tupper v. Cadwell*, 12 Metc. (Mass.) 559, 46 Am. Dec. 704. He turns to the table of cases cited in *Tiffany on Persons and Domestic Relations*, and in its proper place in that table he finds the citation *Tupper v. Cadwell*, and immediately following it the page numbers, 397, 398. Referring to those pages in the text-book, he finds that they fall within the section dealing with the liability of an infant for necessities, and is thus led to a discussion of the subject, and to numerous other cases involving that question.

(b) *Use of Table to Supplement Search for Authorities*

The use of the Table of Cases in the manner pointed out is also a valuable method of supplementing a search for authorities, however such search may have been pursued in the first instance. The use of the table for this purpose will be referred to again in a subsequent chapter.

Meantime, a word of caution must be added. There are few text-books in which the citations are complete even to the date of publication, and often (particularly in the class known as students' texts) only leading or illustrative cases are cited. Therefore, if, in supplementing a general search made elsewhere, the brief maker refers to a text-book for a general discussion of the question under consideration, he will not infrequently find that the first case on his list of precedents will not appear in the Table of Cases Cited. Under such circumstances, he should try his next case and so proceed until he has located what he is after or has exhausted his cases.

Indeed, his precedents may be sufficiently diverse in character, so that several may be cited in different parts of the text, and ac-

cordingly it is well to look up all that are directly in point with the facts of his client's case.

§ 8. Supplementing Text-Books

Though text-books may be used as indexes to the case law, their use for this purpose is attended by two disadvantages. In the first place, as already explained, very few text-books make any attempt to cite all, or even a large part, of the cases that have been decided involving the point in question, up to the date of publication of the book, and therefore in most instances the brief maker finds that none of the cases cited are in his jurisdiction. In the second place, if even a year or more has elapsed since the author completed his work, there exists a probability that new cases on the subject have been decided. See Chapter X, § 1. When a text-book has become three or four years old, this peculiarity becomes a very serious drawback to its use as an index to precedents. Naturally the brief maker desires to secure, if possible, cases in his own jurisdiction and also the latest decisions on the point in issue. To do this he must have some way of supplementing his text-book—of bringing it down to date. This he may do through the American Digest System, if he can locate in the digest one of the cases cited in the text-book. The methods to be pursued, though following one general plan, will vary according to the digest at his command. These various methods are illustrated in the following sections.

§ 9. Same—By Means of the American Digest System

It has already been seen in Chapters X and XI above how one case in point may be made the key to all other cases in point from the beginning down to date of the search, because it may be made the means of identifying the Key-Number of the black letter line in the Standard Classification under which such case will be found.

When the investigator finds in his text-book the statement of law which applies to his client's case, he will usually find in a footnote citations to one or more cases which support that statement. This gives him a "first case." He has only to look in the proper table of cases, in order to find the Key-Number for his proposition, or the Century section number which may afterwards be translated into such Key-Number by means of the "Pink Table" of parallel Century and Key-Number sections.

It may happen that the text writer's statement is far broader and more general than the Key-Numbered black letter line which will cover the searcher's case. This will often be true when the text-book used is brief, and particularly in such text-books as are compiled primarily for teaching purposes. The authors of these works usually cite cases which will illustrate the statements made, in

a picturesque and striking manner, so as to be easily remembered. When the principle stated is broad and general,¹ it will frequently happen that the cases cited are not closely enough in point with that on which authorities are sought, to serve the brief writer's purpose. However well they illustrate the main principle, they must be in point *as to the facts*, if they are to be cited in a brief. Accordingly, if one of the text-writer's citations is used as a means of locating additional and particularly later cases by finding the Key-Number, it is important to take one or both of the following precautions:

After looking up the known (i. e., cited) case in the Table of Cases and so finding the Key-Number, not only the black letter line for that Key-Number, but all the analysis lines of the division or subdivision within which it falls, should be carefully examined, and also the cross-references under them. It may well be that in this way a Key-Number more closely corresponding to the searcher's own case will be found.

It is also well to learn the facts of the "first case—that cited in the text-book—before exhausting the authorities by means of the digest, and so ascertain how closely it is in point. For it must never be forgotten that it is the facts as well as declarations of the law in a case which will make it a precedent that can be cited in a brief.

A few brief illustrations of supplementing a text-book by means of the Key-Number may be given.

Illustrations

(1) Let us suppose that the point under consideration is the liability of a bank which has paid out money on a forged check. For the purpose of getting at the general principles in such a case we consult Daniel on Negotiable Instruments (5th Ed.) published in 1903. In section 1655 we find this statement: "As a general rule if a bank pays out money on a forged check, it cannot recover back the amount from the party to whom it was paid; but where the bank discovers the forgery immediately and demands restitution, offering to return the check before the holder has lost anything by regarding the matter as all right, we cannot but help thinking that it should be entitled to recover back the amount." Among other cases the author cites *First National Bank of Marshalltown v. Marshalltown State Bank*, 77 N. W. 1045. As the text-book was published in 1903, we wish to discover if there are any later cases covering this same proposition.

¹ For instance, a text-book statement may correspond to the analysis line for a subdivision or even a division of a topic in the Standard Classification, instead of a black letter line, whereas a case properly cited to support it might fall under the first section in that subdivision, and the client's case might fall in the last.

This case falls within the Decennial period.² Turning to the Decennial Table, we find that one of the points decided is digested in the Decennial, topic *Banks and Banking*, § 147 [1]; and another in § 147 [2] of the same topic. Therefore, the black letter line for *Banks and Banking*, § 147, reads "Payment of Forged or Altered Paper," and subsection line [1] under it is "Right of bank to recover back money paid"; subsection [2], "Right of bank paying paper to bona fide holder." These facts and the character of the digest paragraphs covering our main case show clearly that *Banks and Banking*, § 147, is the desired Key-Number. By means of it we may exhaust the cases on the specific point involved in the case on which we desire authorities.

But the Decennial Table gives a third reference which should be investigated—i. e., to Bills and Notes, § 377. This proves to be a 2-em dash line, reading "Forgery," the preceding full line of which it is a subdivision being "Defenses as against bona fide purchasers." This black letter line is therefore inappropriate to the specific point under consideration, as this is a question of recovering money paid, not of defenses to an action brought against the bank on a forged check.

The importance of looking up each reference in the table which appears likely to bring results is nevertheless illustrated by the related character of these two black letter lines.

(2) Suppose once more that the brief maker is interested in the question as to the liability of an infant for necessities, and has been led through the analysis, index, or Table of Cases as outlined in the foregoing paragraphs to a discussion of the subject in Tiffany on Persons and Domestic Relations (2d Ed.). He finds on page 397 a statement to the effect that the term "necessaries" includes only such things as concern the person of the infant and not his estate. On page 398 it is said that an infant cannot be bound by contract for repairs made on his real estate, though necessary to prevent immediate injury. There is a reference in the footnote to the case of *Tupper v. Cadwell*, 12 Metc. (Mass.) 559, 6 Am. Dec. 704, and three other cases. The text-book he is using is not an exhaustive work, and he will naturally assume that there are probably a number of other cases illustrating this principle, which are not cited in the text-book. Moreover, the text-book was published in 1909, and he is anxious to discover whether there are any later cases involving the point. It is evident that, if he can find where the case of *Tupper v. Cadwell* is digested, he will be led to all other cases on the subject.

Familiarity with the Massachusetts reports and their chronology tells him that this case is digested in the *Century Digest*. The

² This illustration can be followed by use of the Reference Book.

Decennial Table of Cases indicates that the case of *Tupper v. Cadwell* is digested in 27 Century Digest, topic *Infants*, § 122.³ The Century black letter line for this section proves to be "Improvements and repairs on realty," and the subdivision within which it falls is "Contracts for Necessaries," from which it appears that the appropriate section has been located. Under § 122 in the Century, seven digest paragraphs are found.

From the "Pink Table" in 21 Decennial it is ascertained that Key-Number *Infants*, § 50, covers the same phase of the law as § 122 in the Century. The black letter line for this Key-Number section is "Necessaries," and coming with the same main division [IV, Contracts] is seen to correspond with subdivision C in the Century.

Having ascertained the Key-Number, the brief maker pursues his search through the Decennial, the Key-Number Series, Monthly Digest, and Reporter indexes, and so brings it down to date, according to the Key-Number method of search heretofore illustrated in Chapter X.⁴

Illustration

(3) Let us assume that the problem under consideration is the same as in the preceding illustration—infant's necessities.

If the case cited by the text-writer and selected by us for the purpose of getting into the digest is one which does not fall within the Century or Decennial Digests, we must, of course, resort to the American Digest Continuations, and must therefore locate our case through the Table of Cases Digested in those later digests. To do so we must first determine in what volume of the digest his case is digested. This is done by referring to the Tables of Reports which is to be found in the front part of the several volumes of the American Digest Continuations, or by the date of the decision, if that is known.

One of the cases cited in the footnote to the statement in *Tiffany on Domestic Relations* already referred to is *International Text-Book Company v. Doran*, 80 Conn. 307, 68 Atl. 255. Reference to the Table of Reports (see Reference Book, p. 389) contained in the Century and Decennial Digests apprises him of the fact that the Decennial contains cases from the Atlantic Reporter down to Vol. 64 only. Examining the Table of Reports in the subsequent Key-Number Series, he finds finally that Vol. 68 Atl. is digested in Vol. 3.⁵ Turning, then, to the Table of Cases Digested, he locates in that table the citation—*International Text-Book Co. v. Doran*—and

³ See Reference Book, p. 290.

⁴ This illustration may be followed step by step in the Reference Book, excepting as to use of the Reporter indexes.

⁵ See Reference Book, p. 477.

finds that it is digested in the topic *Infants*, §§ 50, 55, 58, and 102.⁶ An examination of these sections shows him that section 50 is the one that contains the point he is interested in, as the black letter line of that section is "Necessaries."

Accordingly, *Infants*, § 50, is the Key-Number desired.

§ 10. Same—Use of Century and Key-Number Annotations in Reporters

If the text-book used is a recent one, and the case selected is a recent decision, examination of the syllabus of the case in the Reporter System will discover a Century reference and (since November, 1908) a Key-Number Annotation. This saves the necessity of referring even to the Tables of Cases.

(a) *Illustration—Century Annotations*

Let it be supposed that the brief maker is interested in a case involving the question whether an infant is liable on the purchase of a horse as on a contract for necessities. In the course of his investigation he turns to *Tiffany on Persons and Domestic Relations*. On page 395 he finds the statement that an infant has been held liable, as for necessities, for a horse, where horseback riding had been prescribed by a physician. Of two cases cited in the footnote, one is an English case and the other an early Illinois case. But a third case is cited to a variation of the principle, namely, *Heffington v. Jackson*, 43 Tex. Civ. App. 560, 96 S. W. 108.

Turning to the report of the case in Vol. 96 *Southwestern Reporter*, he finds the case is annotated to the *Century Digest*; the reference being to 27 Cent. Dig. *Infants*, §§ 114, 118. Following out this direct reference he discovers under section 118 a number of cases involving the question as to the liability of an infant on the purchase of a horse.

Reference to the Pink Table in 21 *Decennial* shows that the corresponding Key-Number section is *Infants*, § 50, and this enables him to bring his search down to date, in the manner already referred to a number of times.

(b) *Illustration—Key-Number Annotations in Reporters*

A similar method would be followed if the case cited in the text-book is one which in the Reporters is annotated on the key-number system.

Suppose we are interested in a case involving the constitutional question as to impairing the obligation of contracts, the specific question being whether a judicial decision can be considered a law impairing the obligation of a contract within the constitutional prohibition.

⁶ See Reference Book, p. 488.

In Black's Constitutional Law (Third Edition) page 722 (Reference Book, p. 153), we find a statement to the effect that the decision of a court is not a law, within the meaning of the Constitutional provision.

Several cases are cited in the footnote (note 4), including *Mason v. A. E. Nelson Cotton Co.*, 148 N. C. 492, 62 S. E. 625. Turning to the report of this case in 62 S. E., we find that it is annotated on the key-number system, thus throwing open to the brief maker every case, past, present, and future.

CHAPTER XIII

HOW TO FIND THE LAW—USE OF ENCYCLOPÆDIAS

- § 1. Introduction.
- 2. Mechanical Features of Encyclopædias.
- 3. Use of Analysis.
- 4. Cross-Reference System.
 - (a) Character and Arrangement of Cross-References.
 - (b) Use of Cross-References.
 - (c) Definitions.
- 5. Cyc. Index and Concordance.
 - (a) Contents and Construction.
 - (b) Use of the Index.
- 6. Supplementing Encyclopædias.
- 7. Same—Use of Cyc. Annotations.
- 8. Same—By Means of the American Digest.
- 9. Finding the Facts of a Case Cited.

§ 1. Introduction

In Chapter V the similarity which encyclopædias of law bear to text-books on the one hand and to digests on the other was pointed out. As was there explained, all three classes of books are in their final analysis composed of material of the same character, and the differences lie in the manner in which that material is treated and in the construction of the books.¹

As was remarked in the general description of encyclopædias in Chapter V above, although possessing many of the characteristics of digests, they partake of and serve the same general purpose as text-books. However, especially since the publication of the new Cyc. Index and Concordance, the methods of search applied to the use of encyclopædias follow much the same lines as those applied in the use of digests, excepting that, as there are no tables of cases cited, the method based on the use of such tables is not available.

§ 2. Mechanical Features of Encyclopædias

Since "Cyc." has definitely superseded other general encyclopædias and is now better known and more widely used than any other, we shall confine our references to it exclusively.

The features of it to which special reference may be made, in view of their relation to the methods of finding the law, are (1) the discussion of specific subjects in separate articles; (2) the full analysis prefixed to each article; (3) the system of cross-references; and (4) the new Index and Concordance published in 1913. Excepting the fourth these features are common to all encyclopædias of the law. The Cyclopædia of Law and Procedure possesses an additional feature in the shape of annotations to the Century Digest.

¹ See Chapter V, § 11.

The encyclopædia method of treating the law in specific subjects makes this class of books readily available in a search by principle. For instance, while in an ordinary text-book on Torts the law relating to the liability of the owner of a dog to a person bitten by the animal would be treated only incidentally, as illustrating some principle of the law of torts, the encyclopædia method permits the treatment of such a subject fully in a specific article dealing with the law relating to animals. Of course, this difference is not so marked if an exhaustive treatise on the law of torts is used. In such a treatise the subject will be treated as exhaustively and with greater wealth of illustrations in the text than in an encyclopædia, though the citations in the former are seldom so numerous or exhaustive as in the latter.

The fact that in an encyclopædia, as in a digest, duplication must be avoided so far as possible, makes it necessary to identify with accuracy the particular title under which is discussed the phase of the law affecting the client's case. The titles are numerous, and this fact raises the same difficulty that is found in approaching a digest by means of the classification. Like the digest, Cyc. contains both general and specific titles, and it is often difficult to tell whether to look under a general topic or under a specific topic where a special phase of a general rule is considered.

It has been said that Cyc. follows the American Digest or Standard Classification, and this is true in a general way, though there are numerous differences, especially in detail. It is more accurate to say that the analysis of the law in Cyc. is based upon that Classification, modified to meet the requirements of encyclopædic treatment. In probably 99 per cent. of the points that actually arise for investigation, the brief maker will find his matter under the same topic and usually under the same main division thereof in Cyc. as in the American Digest System. The resemblance will be seen if the reader will compare the analysis of the article on *Infants* in Cyc. with the analysis of the topic "*Infants*" in the Century Digest, examining the lesser as well as the larger divisions of both.²

§ 3. Use of Analysis

When the brief maker has selected the appropriate title in the encyclopædia, either by means of the cross-references or through personal knowledge of the plan of the compilation, he examines the analysis of the encyclopædia article under that title, to find the specific matter he is looking for.

It is one of the excellent features of the encyclopædia that there is prefixed to every article—no matter how comprehensive or how specific it may be—a full, detailed analysis of the topic, similar to and serving the same purpose as the topic analyses in the digest. It shows,

² See the topic *Infants* from Cyc. and the Century Digest in the Reference Book, pp. 209-213 and pp. 285-286.

not only the general subdivisions of the subject, but also the more specific and peculiar variations of the principles that go to make up the body of law on that subject.

The real problem in searching any encyclopædia by means of these topic analyses is to select the proper topic. Once that difficulty is solved, the success of the search becomes largely a question of careful examination of the analysis of the topic.

Illustration

(1) Suppose that the brief maker is interested in a case involving the liability of the owner of a vicious dog to a person bitten by such dog. It will be observed that this question might reasonably be discussed under any one of three topics, namely, *Torts*, *Negligence*, or *Animals*. By careful examination of the analysis of these different topics he finds that the law relating to animals is treated in an article entitled "Animals" in Volume 2 of Cyc. Examining the analysis prefixed to that title, he finds that the subject of *Animals* has been treated under sixteen main divisions, corresponding to chapter headings in a text-book and that Division XI covers the question of injuries by animals. The analysis of the division shows him that liability for injuries by dogs is discussed in subdivision A, 1, a, (II), (B), with a reference to the page where the discussion begins.*

(2) Let us assume that the brief maker is interested in a case involving the liability of an infant on his contract for necessities. The article in Cyc. which covers the law of infants is entitled *Infants* (see Reference Book, pp. 209 to 223). Examining the analysis at the head of the article, we observe that the subject of infant's contracts is discussed in Division V. The sub-analysis under this Division shows that contracts for necessities are dealt with in Subdivision B 9, with a reference to page 590 (see Reference Book, p. 215). On that and the succeeding pages is found a discussion of the rules involved, together with citations to numerous cases and authorities supporting the various statements made in the text.

§ 4. Use of the Cross-Reference System

In a search in Cyc. based upon the topic analysis, as in a similar search in the digests, the difficulty of selecting the proper topic offers obstacles. There are almost always several topics under any one of which the searcher might with about equal reason expect to find the matter for which he is looking. This uncertainty, for a brief maker not possessed of an intimate knowledge of the classification, is practically unavoidable in a search in either class of books. In Cyc., as in the American Digest System, however, a system of cross-references was introduced to meet the difficulty. These cross-references require detailed explanation.

* See Reference Book, pp. 177 to 190.

(a) *Character and Arrangement of Cross-References*

The character of cross-references in general was set forth in the explanation of the mechanical features of the digests (see chapter VIII, §§ 5-7, above), and a restatement here would be superfluous. In purpose and general nature the cross-references in *Cyc.* are like those in the digest system, and the differences which exist, however noticeable, are differences in detail rather than in the fundamental idea of cross-referencing.

The *Cyc.* cross-references are to be found both under main titles (topic titles) and under cross-reference titles.

Immediately following the analysis of each topic title the reader will find a collection of cross-reference lines which serve as detailed "exclusions" from the topic, indicating under what other titles matter which the reader might expect to find treated in the topic to which he first resorts, are in fact discussed. These cross-reference lines are arranged alphabetically (as in the digests).³

Besides these cross-references under the main titles, additional cross-references have been inserted under cross-reference titles. Such titles are interspersed among the main or topic titles in their alphabetical order. As in the digest, they serve as index words, and are usually descriptive of things in regard to which litigation is frequent. There is no difference in character between the cross-references found under the main titles and those under the cross-reference titles (see Reference Book, pp. 193, 194, 224, and 239 to 240).

In the first thirty volumes of *Cyc.* all the cross-references are general; that is to say, they are not specific, for they refer the brief maker only to a topic, and not to the particular division or subdivision of the topic, where the matter indicated will be found. As to these volumes, the cross-references simply serve to assist one in fixing on the right topic by making it unnecessary to wander from topic analysis to topic analysis until he has guessed the proper one. Beginning with Volume 31, however, the references were made specific, and lead one to the particular topic, volume, and page where he will find the desired discussion.

(b) *Use of Cross-References*

The method of using the cross-references is akin to the Descriptive-Word Method of search as applied directly to the digests. Two illustrations will therefore be sufficient to indicate the proper procedure.

Illustrations

Case 1. Let us suppose that we wish to find a discussion of the principles and the authorities governing the liability of the owner of a dog to a person bitten by the animal. Following the rules as to descriptive words given in Chapter IX, we select "*dog*" as describing the

³ See Reference Book, pp. 182, 213, and 233, where pages containing cross-references under topic analyses from different volumes of *Cyc.* will be found.

subject-matter. This word proves to be a cross-reference title in Volume 14 of Cyc. (i. e., a title under which only cross-references appear). A reference is given to the encyclopædia article "*Animals*" in Volume 2. To find the specific portion of the article covering the question at issue, recourse must be had to the analysis, as explained in the preceding paragraph. Running through this we find that Main Division XI is "Injuries by Animals." Of this Subdivision I reads "In General," 1 "Nature and Extent of Liability for," (a) "Generally," (II) Domestic Animals, (B) "Dogs," (1) "Liability of Owner or Keeper." This smallest subdivision is followed by a reference to page 370 of the text, where we find our question discussed.⁴

Case 2. Again, if the question on which information is desired is the liability of an infant on his contracts for necessities, the brief maker may go to the cross-reference head "Necessaries," 29 Cyc. 376. There he will find, among various other cross-references, one reading, "Contracts of infants for, see Infants." Thus, the cross-references in Cyc. are references to particular articles wherein the law relating to the things described by the cross-references are discussed. They are designed to assist the investigator in selecting his topic, though (excepting in the last ten volumes) they do not undertake to go beyond that, by giving specific reference to the particular part of such topic.

(c) *Definitions*

A peculiar feature of Cyc., and one which adds materially to its value, consists of the definitions which are included in such a way as to make possible the use of Cyc., to a considerable extent, as a law dictionary, as well as a general compendium of the law. These definitions are so intimately related to the cross-reference system that they may best be considered in connection with the latter.

Under every main title, following the cross-references and constituting the beginning of the first division of the title, are one or more definitions relating to the subject of the topic. The first of these is usually a definition of the legal meaning of the word or phrase which constitutes such title. As, for instance, *Infants*, *Receivers*, *Pleading*, or *Railroads*. Following this there are sometimes included definitions of its synonyms or of related words. Thus in the topic *Wharves* (see Reference Book, pp. 233 and 234) we find that Division I is entitled "Definitions:" and that it includes in the following order definitions of the words *Wharf*, *Pier*, *Ship*, *Wharfage*, and *Wharfinger*.

But the definitions given under main titles form only a small percentage of the total number of definitions included in Cyc. Many words are inserted as titles in Cyc., in their regular alphabetical order along with the main titles and cross-reference titles, solely for the sake of definition. The title *Visit*, 40 Cyc. 212 (see Reference Book, p. 230)

⁴ This illustration may be followed in detail by means of the Reference Book, pp. 194, and 179 to 190.

is an illustration of this. The reader will observe that this title is accompanied only by a definition, to which is appended a footnote containing one or more citations to cases.

Lastly, there are given definitions of many of the words used as cross-reference titles—that is, words which are inserted as titles for the double purpose of definition and of carrying index or cross-reference lines. For illustration, the title *Infectious*, 22 Cyc. 712, is followed by a definition and list of words of similar meaning, and then, in parenthesis, by cross-references to those titles where questions of infection are discussed. Again, *Whisky*, 40 Cyc. 926–927, shows the combination of definitions and cross-references, but here the cross-references are placed in a footnote to the word “Cross-References,” which follows the definition in parenthesis, and are specific by volume and page of Cyc.⁵ Incidentally, the reader’s attention is called to the title *Whistles* which follows it. That it will be observed, is inserted purely as a cross-reference title.

Among the titles in Cyc. are many legal maxims, which are defined briefly, and some of which carry cross-references.⁶

§ 5. Cyc. Index and Concordance

More important than the cross-reference system and of greater practical utility is the newly published Cyc. Index and Concordance, or, as it is sometimes called, the Cyc. Desk Book. This volume bears the same relation to Cyc. that the Descriptive-Word Index does to the Decennial and other Key-Number Digests. Accordingly, careful explanation of its construction and use is desirable.

(a) *Contents and Construction*

Like the Descriptive-Word Index, the Cyc. Index consists of a large number of index words, under which are placed index lines. These index words are similar to the cross-reference titles in Cyc. itself. They include (1) all the 440 main titles of Cyc. (i. e., the titles of all the encyclopædic articles or topics); (2) all the cross-reference titles (those which carry cross-references in Cyc. itself); (3) many, but by no means all, of the titles inserted solely for the purpose of definition (i. e., what may be referred to as the dictionary feature of Cyc.⁷); and (4) large numbers of additional titles of the same character as the true cross-reference titles.

The index words are arranged in their alphabetical order, as also are the index lines placed under each. These index lines include (1)

⁵ See § 4 (a) above.

⁶ See 29 Cyc. 376 (reproduced in Reference Book, p. 227) the maxim “Nec cum sacco ædire debet.”

⁷ These words defined are very naturally and properly omitted in large part from the Index, since it is designed as an Index to the encyclopædia matter contained in the articles or topics, and the inclusion of titles which are only defined would merely serve to increase the bulk without adding to the usefulness of the volume.

all the cross-reference lines in Cyc. (though it would appear that many of them have been recast); and (2) a large quantity of new lines of the same character. It should be observed particularly that the analysis lines or classification matter, as we have occasionally referred to the framework of digest and encyclopædia topics, is not included. This omission has an important bearing on the manner of using the Index, as will be explained hereafter.

Each index line is followed by a reference, and these references are divisible into two classes, namely, specific and general references.

(1) By general references are meant such as the following:

WHARF.

Generally, see WHARVES, post.

This is not the reference to the topic *Wharves* in Cyc., but to the index title *Wharves* in the Index.

(2) The vast majority of references are specific, each one referring directly to the place in the text of Cyc. where the matters indicated are discussed. They are references by volume and page number of Cyc. (instead of by topic and section as in the Descriptive-Word Index).

If the reader will turn back to Chapter VIII, § 17, above, he will see how close a resemblance exists in character, plan, arrangement, and purpose between the Descriptive-Word Index and the Cyc. Index.⁸ This similarity extends to the use of the two books, each of which is designed to avoid the great labor and loss of time involved in selecting the topic and section which covers the matters in which the brief maker may for the moment be interested, and then plodding through the long topic analyses in order to find the desired subdivision.

(b) *Use of the Index*

The methods of search applied to the Cyc. Index are much the same as the Descriptive-Word Method of search. The search is based largely upon the facts of the brief maker's case, and not upon his individual notions as to the logical classification of law. As in every search, the brief maker must first analyze his facts and formulate his problem by drawing up a provisional hypothesis. From careful study of the essential and significant facts of the case, he can select words descriptive of them. If they are properly selected, one or more of these words, when located in the Index, should produce a reference which will lead to the statement of the desired rule of law in the text of Cyc., and so to citations to cases which are regarded as supporting such statement.

This brief explanation of the method of search may best be elaborated in connection with a few illustrations.

⁸ There are, however, differences which it is important to remember in order to avoid mental confusion. Those differences which have a bearing on the manner of using the books are: (1) The omission in the Cyc. Index of the analysis lines; and (2) the use therein of references by volume and page, as just mentioned in the text.

Illustrations

Case 1. A., the plaintiff, is bitten by a vicious dog of which B. is the owner, and he sues B. for damages for the personal injury.

Let us apply the Descriptive-Word Method to this case. *Injury* and *Personal Injury* are both descriptive of the cause of action; *Owner* is descriptive of a party concerned; and *Dog* or *Animal* of the subject-matter. Let us take these words in their order. *Injury* appears as a title in the Cyc. Index on page 881, and under it at the top of page 882 is an index line "By Animals Generally. See 2 Cyc. 367" (see Reference Book, p. 249). Turning to the place indicated (see Reference Book, p. 185) we find that the reference is to the topic *Animals*, Division XI *Injuries by Animals*. The specific injury, in which we are interested, is one inflicted on a person by a dog. Subdivision II of Division XI proves to be *Injuries by Domestic Animals*, and in this subdivision (B) deals with dogs. Beginning here on page 370, we find two or three pages of the text devoted to the liability of the owner for injuries done by his dog.

The same results might have been obtained by using some of the other descriptive words. Thus in the Index we find the following:

OWNER OF ANIMAL.

Liability:

Of:

For:

Injury by Animal:

Generally, 2 Cyc. 268.

And, again, under *Dog* an even more specific reference appears:

DOG.

Owner's liability for injury by see 2 Cyc. 370.

Thus, in three ways we have been led to the same part of the text of Cyc. by following the Descriptive-Word Method of search, with which the reader must by this time be thoroughly familiar from his study of the use of digests.

The word *Animal* is another descriptive word. It is the title of a topic in Cyc., and also a title in the Index. Examining the lines under *Animals* in the Index, we find no line which in any way suggests that our subject is covered in 2 Cyc. under the title of *Animals* (where we already know it to be covered). This requires special explanation. The reader will remember that the analysis lines of the Cyc. topics are not included as index lines under the topic titles (which are all inserted as Index Words). In place of them will be found, immediately following every such title in the Index, a note printed in italics and similar to the following one under *Animals*: "Main title in Cyc. See 2 Cyc. 288, for complete analysis, which must always be consulted for matters treated within this topic."

Therefore, all the index lines under *Animals* in the Index will be found to refer to matters which relate to animals, but which, for one editorial reason or another, are treated under topics other than *An-*

imals in Cyc. And in using the Index the brief maker, who finds that his descriptive word is a topic title, should either drop it entirely and use one of his other words, or he should supplement his examination of the references under that title in the Index by careful study of the analysis of the Cyc. article or topic of which it is also the title.

Case 2. A., the owner and master of a steam vessel, arranged with B. to land a cargo at the latter's wharf. After the vessel had been brought to its berth upon the south side of the wharf, it proved necessary to move it in order to make room for another vessel. The moving was done by A. himself, under the direction of B.'s dock master, C., whom B. had only recently engaged, and who was not familiar with the wharf or its immediate surroundings, although A. was not aware of this fact. The vessel, while being moved to the north side of the wharf, struck upon a sharp rock projecting several feet from the bottom, but considerably submerged even at ebb tide. Its presence was not known or suspected either by A. or C., and was not actually known to B. himself. What are A.'s rights?

The salient facts of this case are the *Ship* or *Vessel*, the *Wharf*, and the *Obstruction*, and we may reasonably base our search upon any one of them.

In the Cyc. Index, under *Vessel*, we find the following:

VESSEL.

Injury to, by wharf, 40 Cyc. 913.

This proves to be a reference to the topic *Wharves*, Division V *Injuries to vessels or persons*, (A) Liability in General, (1) Injuries to Vessels. The paragraph contains a clear statement of the law, and in the footnotes we find citations to cases where vessels have been injured by obstructions, etc.

Again, an *Obstruction* having caused the injury, we may reasonably hope to find that word as an Index title, and under it an appropriate reference. This hope is justified by the following:

OBSTRUCTION.

Of:

Wharf:

Liability for injury to vessel caused by, 40
Cyc. 914.

This reference leads us to the same place under *Wharves* in Cyc., and is even more specific than our first references, being to a smaller division of the topic (included in the one referred to under *Vessel*).

The word *Ship*, being a synonym of *Vessel*, may also be tried. It is an index word, but under it there are no specific references appropriate to our problem. However, there is given the following:

SHIP.

Generally, see SHIPPING, post; VESSEL, post.

This is what has been described as a general reference, and leads us, not into the text of Cyc., but to the Index title *Vessels*, and there we will find the reference already described above.

It is always important to follow out any promising general reference whenever the index title first examined fails to bring forth a specific reference to Cyc. The importance of following such leads as this was emphasized in the explanation of the use of the Descriptive-Word Index in Chapter IX, 6 (c), and what was said in that connection applies equally to the Cyc. Index.

Finally, let us suppose that we had first looked under *Wharves* as our descriptive word. All that appears under this title is the following:

WHARVES.

MAIN TITLE IN CYC. See 40 Cyc. 892, for complete analysis, which must always be consulted for matters treated within this title.

For references, see *WHARF*, ante.

Neither here nor under the Index title *Wharf*, as referred to, does any reference to our matter appear. This is natural, for, as already explained, the references under a Cyc. topic title which appears as an Index title always have reference to matters relating to that subject, which are treated under other topics in Cyc., and, for the matter actually treated under that topic, resort must be had to examining the topic analysis in Cyc. itself.

§ 6. Supplementing Encyclopædias

Though an encyclopædia is often exhaustive or nearly exhaustive in its citations of authorities up to the date of publication, it possesses the disadvantages of all text-books, in that it needs to be supplemented in some way in so far as the latest cases are concerned.

The methods of supplementing text-books, described above in Chapter XII, §§ 8, 9, may also be used to supplement any encyclopædia. Little further illustration of these methods is necessary. The Cyclopædia of Law and Procedure may, however, be supplemented in other ways, and to these attention is now directed.

§ 7. Same—Use of Cyc. Annotations

In Chapters V and VI mention was made of the "Cyc. Annotations." These are cumulative,⁹ and annual volumes in which the decisions reported since the volumes of Cyc. were published are by typographical devices related to the proper page and note in the appropriate article.¹⁰ These annotations serve to annotate the article in Cyc. to cases decided between the time the article was completed and the date of preparation of the volume of annotations.

The references, under which citations to cases are placed in "Cyc. Annotations," are arranged by the title of the articles (in their usual

⁹ Up to the present time the Annual Annotations have been cumulative every year. The 1913 issue, however, is labeled "Permanent." In other words, its contents will not be included in the 1914 issue, owing to the excessive bulk of the volume which would result. However, it is to be presumed that the 1914 issue will be cumulated in the 1915 issue, etc.

¹⁰ Reference Book, pp. 737 to 744.

alphabetical order), and refer to the page of the volume containing the article and to the note number on such page.

The Cyc. Annotations consist almost entirely of bare citations to cases, as will be seen by examination of the exhibit in the Reference Book (p. 742). Occasionally, however, two or three lines of text are inserted. It will be observed, also, that when a new development of some phase of the law covered in the text of the Cyc. article is represented by a late decision, an annotation is added—marked “New”—and a brief text statement precedes the citation in Cyc. Annotations. An instance of this may be observed in Reference Book, p. 743. The statements of law on page 600 of the volume of Cyc. containing the article on *Infants* is there supplemented by an annotation marked “New,” as follows:

600-New. In absence of fraud,
etc.; equity will not require affirmation
or disaffirmance by infant. *Watson v.*
Ruderman, 79 Conn. 687, 66 Atl. 515.

The method of using the annotations is simple and may best be shown by an illustration.

Illustration

Suppose that, wishing to get authorities on the question whether horses and vehicles are necessities for which an infant will be liable, we have located the point in 22 Cyc. by methods explained in § 7, above. On page 595 it is stated that horses, vehicles, and the like are not ordinarily considered necessities; note 64 containing the cases relating to vehicles. As 22 Cyc. was published in 1906, it is desirable to bring this note down to date.

To supplement the note, we go to the latest volume of Cyc. Annotations (for example, the volume for 1913), and turning to the title *Infants*, search the columns for the number of the page and note, viz., “595—64.” There we will find this reference on page 2471. (Reference Book, p. 743.) In connection therewith is given the citation of a fairly recent case, *Heffington v. Jackson*, 43 Texas Civ. App. 560, 96 S. W. 108. We may now take this case, and by methods explained in Chapter X, § 6 (b), carry our search into the American Digest System and the later Reporters, thus assuring ourselves that we have obtained all the latest cases.

§ 8. Same—By Means of the American Digest

Even when Cyc. Annotations are available and have been used to get cases later than the date of the Cyc. article examined, the brief maker will wish to bring his search down to an even more recent date, and so get the very latest cases upon his point. And, of course, when for any reason the Annual Annotations cannot be used, some alternative way of supplementing the use of Cyc. is especially desirable. Under any circumstances, the brief maker can do this by resorting to the American Digest System, finding the Key-Number, and following it

down through the latest volumes of the Key-Number Series and the subsequent issues of the Monthly Digest. To find his Key-Number he will select, from the note appended to the statement of his rule in Cyc. itself, one of the cases cited, and, in doing so, it is important to make certain that the case cited and selected is itself reasonably closely in point as to fact with the brief maker's own case, as well as supporting the main rule. He will then use the Decennial Table of Cases and the Tables of Cases Digested in the several volumes of the Key-Number Series to find where a particular point of such case is digested. No detailed explanation or illustration of this mode of supplementing Cyc. is necessary, as this manner of using digests has already been explained in Chapter XI, on Exhausting the Authorities, and has been illustrated again in Chapter XII in connection with text-books.

§ 9. Finding the Facts of a Case Cited

In encyclopædias, as in text-books, little or no effort is made to give the facts of the individual cases cited in the notes, and even where facts are given they are merely indicated in a brief way. The necessity of examining, if possible, the report of any case to be cited in a brief, has already been dwelt upon, and requires no further emphasis at this point. It often happens, however, that such report is not available, and in such instance the brief maker can obtain a synopsis of the facts of the case by resorting to the American Digest System.

This method of ascertaining facts of a cited case was explained in Chapter X, § 7, and we will simply give here a single illustration of its application in connection with Cyc.

Illustration

Let us assume that the brief maker is looking up authorities on the case used as an illustration in § 5 (b), Case I, above, where the plaintiff's vessel was damaged by an obstruction concealed by the water, while it was being moved from one side of a wharf to the other. He has located under the topic *Wharves* in 40 Cyc. on page 914 a statement to the effect that "the wharfinger is liable for any damage done to the vessel by reason of his neglect of duty to notify vessels using his wharf of the existence and position of any dangerous obstacles, inequalities in the bottom, or shallow water." To this statement is appended a note in which are listed a few cases decided by the state courts and a considerable number of cases by the United States courts. No facts are given in connection with any of these citations. Some of these cases will be more closely in point than others. In order to select the most valuable, the brief maker must have at least an outline of the facts of each case. The United States cases cited are all reported either in the Federal Reporter or in Federal Cases, which we will assume that the brief maker has no means of reaching. The first case cited is that of *The Manhattan*, 169 Fed. 222. The cases reported in Volume 169 Federal are all digested in Volume 7 Key-Number Series. Turning to the

Table of Cases Digested in that volume, we find the case of *The Manhattan* listed in the first column on page 2936, with the information that the three points decided are digested, one under *Collision*, § 95, one under *Shipping*, § 140, and one under *Wharves*, § 20. Reference to these three sections of the digest bring to light the following paragraphs:

COLLISION.

§ 95. Towing vessels and vessels in tow.

See 10 Cent. Dig. Collision, §§ 200-202.

[a] (U.S. C.C.A., N.Y., 1909)

A steam lighter, proceeding up the East River on the Brooklyn side with a barge in tow, *held* solely in fault for a collision between her tow and a steamer coming down the river, caused by her turning across the river in front of the steamer without having signaled her intention, and for stopping directly ahead of the steamer when her signal, given after she changed her course, was not answered. The steamer *held* not in fault for failing to sooner reverse, where she had already stopped her engines, and a reversal did not appear necessary until too late to prevent the collision. Decree (D. C. 1907) 153 F. 635, reversed.—*The Maine*, 170 F. 915, 96 C. C. A. 131; *The Manhattan*, Id.

SHIPPING.

§ 139. Limitation of liability by contract or bill of lading.

See 44 Cent. Dig. Ship. §§ 493-499.

§ 140. — In general.

See 44 Cent. Dig. Ship. §§ 493-495.

[a] (U.S. C.C.A., N.Y., 1909)

A contract by a lighterage company to carry the product of a manufacturing company in and about New York Harbor, furnishing the full capacity of its vessels, made it a private carrier; and a provision of its contract that it should not be liable for goods lost or damaged, but requiring the owner to insure against such loss, is valid. Decree (D. C. 1907) 153 F. 635, reversed.—*The Maine*, 170 F. 915, 96 C. C. A. 131; *The Manhattan*, Id.

WHARVES.

§ 20. Injuries to vessels or cargoes.

See 48 Cent. Dig. Wharves, §§ 35-43.

Liability of United States for acts of officers or agents, see United States, § 78.

[a] (U.S. D.C., N.Y., 1909)

Where a wharf for hire is so located as to have a very small amount of water in a berth at low tide, so that boats lying there necessarily rest on the bottom, the owner must be held responsible for injuries resulting from anything in the nature of permanent obstructions in the bottom.—*The Manhattan*, 169 F. 222.

Where those in charge of a scow, in a berth where she was injured by an obstruction on the bottom at each succeeding low tide, allowed her to remain after knowledge of the obstruction and when the boat's position could have been changed, the owner is entitled to recover from the wharf owner only for the injury received before they had such knowledge.—Id.

These three paragraphs, especially if taken together, constitute a very full synoptical statement of facts. Incidentally we will find that § 20 of *Wharves* is the Key-Number covering the main question, and we shall find paragraphs for the other cases cited in Cyc. under § 20 in the several volumes of the Key-Number Series, under *Wharves*, § 20 in the Decennial, or under *Wharves*, §§ 35-43, in the Century Digest.

CHAPTER XIV

HOW TO FIND THE LAW—USE OF SELECTED CASES

- § 1. Introduction.
- 2. Use of Selected Case Series in General.
 - (a) Starting an Original Search in Selected Case Series.
- 3. Search by Means of Digests of the Series.
- 4. The Use of Indices to Notes.
- 5. Relative Scope of Reported Cases and Notes.
- 6. Search Based on a Known Case.
- 7. Supplementing the Use of Selected Case Series.
- 8. Subsidiary Aids to Use of Selected Cases Series.
 - (a) L. R. A. Cases as Authorities.
 - (b) Notes on the American Decisions and American Reports.
 - (c) L. R. A. Red Book.

§ 1. Introduction

There now remains for consideration only one important class of books of either primary or secondary authority, namely, the Selected Case Series of Reports. As to the general plan and purpose of the Selected Case Series, the reader is referred to Chapter III, § 7, above, where they are treated in connection with other important series of law reports. The methods of search to be applied in the use of these books, and the manner of supplementing such use, form the subject of this present chapter.

§ 2. Use of Selected Case Series in General

In the use of any of the important series of selected cases, as in that of digests and text-books, the methods of search divide themselves naturally into two classes:

(a) Those methods applicable when reference is had to a selected case series in the first instance.

(b) Those methods applicable when he already has a "first case"—a single case in point with his main case.

Although in the following explanation we shall for convenience refer chiefly to the Lawyers' Reports Annotated, the course to be pursued is practically the same with any other Selected Case Series.

(a) Starting an Original Search in a Selected Case Series

When the investigator begins his initial search by going to the Lawyers' Reports Annotated, two distinct, but similar, methods of procedure offer themselves. This is because, like any other annotated Selected Case Series, the L. R. A. consists of two distinct portions, namely:

- (1) The reports of cases; and
- (2) The notes appended to such reports.

Now, what he desires is some case on his subject reported in L. R. A., and preferably a case accompanied by a note also upon

that subject. Accordingly, he may begin either by looking for an L. R. A. reported case or by looking for a note. His method of search will depend upon which of these alternative courses he pursues.

Let us assume, first, a search for a case reported in the Series. This will be carried on in a digest.

§ 3. Search by Means of the Digests of the Series

The cases reported in the L. R. A. are, of course, primary authority like any other law reports. The notes may be disregarded and the Series approached like any other reports. Each decision is head-noted, and all the cases reported in the series are digested in the index-digests contained in each volume. There are also digests covering all the cases reported in each series. Thus, for L. R. A. there is a three-volume digest covering under a single alphabet all the cases in the 70 volumes of the original Series. Another digest has been issued for Vols. 1 through 24 of the New Series, and temporary supplements cover the later volumes.

Accordingly, a search may be originated in the digests for the Series, and an L. R. A. reported case located in this way.

Illustration

Case. X., a guest at an inn, is injured by the collapse of a chair in which he is sitting, and he sues the innkeeper. The question is raised whether the mere proof of the injury to the guest establishes a prima facie presumption of negligence on the part of the innkeeper, so that the burden of proof rests upon the innkeeper of proving freedom from neglect.

Turning to the digest for 1-24 L. R. A. (N. S.), and recognizing that our question will most probably be covered by the topic *Innkeepers*, we look for such title.¹

The brief analysis of the topic shows us that Division III covers "Rights of, and Liability to, Guests," of which subdivision (c) reads "For injuries to persons or indignities to guest." Turning to the subdivision indicated we find a case—that of *De Wolf v. Ford*, 21 L. R. A. (N. S.) 860—which involves a forcible entry by an innkeeper's servant into the room of a woman guest, whereas the question in which we are interested is that of negligent injuries. Moreover, this case is not indicated as being annotated.²

However, immediately preceding this paragraph are a number of cross-references, including one which reads as follows: "Presumption of negligence from injury to guest. See *Evidence*, 240." Following this cross-reference we find that paragraph 240 of *Evidence* appears under the section line "Of Innkeeper" and reads as follows: "An inn-

¹ Reference Book, p. 696.

² See Reference Book, pp. 696 to 697.

keeper has the burden of absolving himself from negligence when a guest shows a personal injury from the fall upon him of the upper portion of a folding bed which he is occupying. *Lyttle v. Denny*, 20: 1027, 71 Atl. 841, 222 Pa. 395."

Turning to the report of the case in 20 L. R. A. (N. S.) we find that the note is entitled, "Presumption of negligence of innkeeper from injury to guest or his property." See Reference Book, pp. 39 and 40.

Of the cases cited, 25 involve loss of or injury to property of a guest, indicating that most of the litigation has been upon the question of property rather than that of personal injuries. However, one case (*Weeks v. McNulty*) deals with the presumption of negligence arising from an injury to the person of the guest. The citations for this case show that, among other places, it is reported in 43 L. R. A. 185. This reference should be followed out, for it may lead to an earlier note upon our point. However, on turning to 43 L. R. A. 185, we find that the annotation to the case of *Weeks v. McNulty* is a cross-reference note, which will lead the investigator to notes upon the question of the "duties as to fire escapes," which do not bear directly upon our problem.

It will be noticed that in locating the case of *Lyttle v. Denny* we followed a cross-reference in the digest preceding a case which, though not in point, dealt with a subject closely related to that under investigation. This emphasizes the importance, already pointed out, of examining the cross-references under the analysis lines to which one first turns in searching any digest.

The foregoing illustration of the method of finding the law in L. R. A. by a search beginning in the digest does not purport to represent a complete or thorough search, even as to that method. It only indicates the procedure which should be followed and which should be applied to each of the successive digests of the series in order. These digests are as follows:

Digest of 1-70 L. R. A.						
"	"	1-24	"	"	"	New Series.
"	"	25-36	"	"	"	(Pamphlet Sup. ³).
"	"	37-42	"	"	"	(Pamphlet Sup. ³).

It hardly seems necessary to remind the reader that the American Decisions, American Reports, American State Reports, American Annotated Cases, and American and English Annotated Cases each have their own digests, and that these may be used in the same manner as

³ Eventually these temporary pamphlet supplements will be compiled to form a permanent bound digest, as in the past. The latest supplement is always cumulated upon the issue of each new volume of L. R. A. until six volumes are covered, when a new cumulative supplement is started. After two six-volume digests have accumulated since the latest twelve-volume digest, they are merged into a new twelve-volume digest.

those of L. R. A. They will be found listed in the Appendix, Chapter 6, List (e).

Having discussed the use of the digests as a means of locating the law in a Selected Case Series, we come now to the consideration of the second method available in an original search in such a series.

§ 4. The Use of Indices to Notes

It has already been pointed out that the notes vary greatly in length, and that the longer ones are in effect small topical digests, each covering a more or less narrow subdivision of the law. It follows from this that the notes in L. R. A., considered collectively, are in effect a digest of cases, the various sections of which are scattered through a large number of volumes of reports.

Of course, as we have already seen, after a case to which a given note is appended has been located through the L. R. A. Digests, in the manner above described, the matter in the note is thereby made available indirectly; but a direct method is also provided.

This consists of indices to notes for L. R. A. A new Index has just been issued (November, 1913) which, superseding all of the previous series of indices, covers under a single alphabet all the notes in Volumes 1-70 L. R. A. and 1-42 L. R. A. (N. S.). It will undoubtedly be supplemented by small pamphlet indices to the notes in later volumes, and these in turn cumulated, as has been done in the past.

Let the reader regard the notes in L. R. A. as a digest in which each note corresponds roughly to a section in the digest, and the new Index to Notes as a subject index to that digest, and he may then apply methods of search similar to those that he has already used in the use of digests and encyclopædias. Stated somewhat differently, the notes in L. R. A. are to be regarded as the sections of a general digest, such sections being scattered through the various volumes of L. R. A. The "indices to notes" have the same relation to the notes that a digest index has to a digest, and are to be used in approximately the same manner.

Illustrations ⁴

Assuming once more that the brief maker is looking up the question whether proof of injury to a guest at an inn raises a presumption of negligence on the part of the innkeeper, let us turn to the new Index to Notes for L. R. A. The word *Innkeepers* describes a party to the suit, as well as being a regular title to almost any digest or index. It appears as a title on page 731 of the Index to Notes and is followed by an analysis, Division IV in which deals with "The Duty and Liability of Innkeepers," and refers us to §§ 6-12. Turning to these sections, we find that § 10 covers "Injuries to Person or Sensibilities of Guest." The last Index line under this section reads as fol-

⁴ This illustration may be followed in the Reference Book, pp. 39, 40, and 687 to 689.

lows: "Presumption of neglect of innkeeper from injury to guest." This is followed by a reference to 20 L. R. A. (N. S.) 1027. The case thus cited proves to be that of *Lyttle v. Denny*, and we find attached to it a case note, with which we are already familiar, on the subject entitled "Presumption of neglect of innkeeper from injuries to guest or his property." (See illustration in § 3, above.)

In connection with the Trinity Series, also, indices to notes have been brought out at various times.

For the American Reports and the American Decisions a small volume was published containing (1) an alphabetical table of all the cases reported in these series, the titles being arranged under a single alphabet;⁵ (2) an index to notes in both series.

In the back of Volume 5 of Green's Digest of the American State Reports (a supplement which covers 121-140 Am. St. Rep.) an index is found which covers the longer notes in that series (i. e., 1-140 Am. St. Rep.).

In addition to the foregoing, a volume containing a complete list of cases in the American Reports, American Decisions, and American State Reports, arranged alphabetically under the several states, was published in 1911. This shows in black-faced type "the cases to which notes are appended, and the subject of such notes," and whether, down to date of writing, the cases had been affirmed, reversed, or dismissed, on appeal from the state courts to the United States Supreme Court.⁶ Included as an appendix at the back of the volume is an index to the "important notes," by which is apparently meant those notes which were written by Mr. A. C. Freeman, or under his direction.⁷ This index to notes has recently been brought down to date, so as to cover through Vol. 140 American State Reports, and has been issued separately in pamphlet form. The specimen pages in the Reference Book, pp. 673 to 678, are taken from this pamphlet, not from the original publication. All the smaller temporary indices to notes issued from time to time for the Trinity Series have been superseded by one or another of those which we have described above, and therefore no specific mention need be made of them.

As regards the Selected Case Series not yet referred to, an index to notes in Volumes 1-20 of the American and English Annotated Cases was published in the front of the digest for the same volumes. An index to notes has also been issued to cover notes in Volume 21 American and English Annotated Cases and the first six volumes of the new series, which continues both the American

⁵ This list also appears at the back of Vol. 3 of Rapalje's Digest of the American Decisions and American Reports.

⁶ See Reference Book, pp. 669 to 672, where specimen pages of this part of the volume are reproduced.

⁷ See the dedication of the volume, which is reproduced on p. 670 of the Reference Book.

and English Annotated Cases and the American State Reports—namely, the American Annotated Cases 1912A–1913B. This is in pamphlet form, and it appears to be the intention of the publishers to cumulate it from time to time, so as to cover, under a single alphabet, the present notes and the notes issued hereafter.

The character, purpose, construction, and use of all the above-mentioned indices to notes being the same as that of L. R. A. Index to Notes, they require no further explanation.

§ 5. Relative Scope of Reported Cases and Notes

The scope of a note in L. R. A. is usually broader, and in many instances much broader, than the point of the main case to which it is appended. This statement applies with greatest force to the subject notes in L. R. A. New Series. To illustrate, let us examine the subject note which accompanies *Whitehouse v. Jones*, 12 L. R. A. (N. S.) 49 (see Reference Book, p. 43). As pointed out elsewhere, this note is in effect a small digest, covering "the effect of a remedy at law upon the jurisdiction of equity to remove a cloud on title." The analysis at the head of it shows that the note includes, in Division IVa, cases upon the "effect of federal statutes enlarging equitable jurisdiction." On the other hand, the head-notes of *Whitehouse v. Jones*, which this note annotates, show that the case does not itself involve any question of statutory construction or application.

One of the effects of the broader scope of the notes upon searching a Selected Case Series by means of its digest may be noted here. If the brief maker finds in such digest a paragraph which, though not in point with his own case, yet covers matters collateral to it, and if such paragraph in the digest is marked "annotated," he should examine the note appended to the case. For, particularly if it proves to be one of the larger notes, it may cover, not only the phase of the law illustrated by the case annotated, but also the collateral subject with which the brief maker is himself concerned.

Again, where the scope of the note corresponds exactly with the specific rule of law set forth in the syllabus of the main case, it will often digest a considerable number of cases in which that rule has been held to apply or not to apply, and these cases will sometimes present widely varied states of fact. Accordingly, if the rule of law applies to the brief maker's case, some of the cases cited may be closely in point with it, even though the facts of the annotated case are so different that it cannot itself be regarded as in point as to fact with the brief maker's case.

There is another difference in the scope of the notes and that of the reported cases which should be considered. The note attached to a case normally grows out of a single point of such case

as represented by the syllabus.⁸ Thus in the case of *Lyttle v. Denny* the note annotates the first headnote, but not the second, which last deals with a question of depositions. Thus many points decided in the cases reported in L. R. A. do not come within the scope of the notes to such cases. These points are, of course, digested in the several L. R. A. Digests. The same may be said of those cases in the old series which are marked "not annotated," and of those cases which in either series are annotated by cross-reference notes only.

It follows that there are phases of the law covered by cases reported in L. R. A. which do not come within the scope of the notes, as well as phases of the law touched upon by the annotations, but not represented among the cases reported. From a comparison of the new Index to Notes with a digest of the Series, it seems clear that, collectively, the regular text notes in the Series cover a broader range of law than, collectively, do the cases reported in the Series. Upon the cover of this new Index is a direction indicating that the investigator should begin every search of L. R. A. therein. At the same time any search which is to exhaust the possibilities of a Selected Case Series should include the joint use of both the index or indices to the notes thereof, and of the successive digests of the cases reported in such series.

§ 6. Search Based on a Known Case

The two methods of searching a Selected Case Series for precedents, either by locating a case in point or a note upon the subject under consideration, are both applicable to an initial search—the pursuit of a first case. In many instances, however, the investigator will have his first case before he turns to a Selected Case Series. If the case is reported in L. R. A., but he has not a direct citation to volume and page of that Series, he may obtain the desired citation in one of several ways:⁹

- (1) By use of the L. R. A. Parallel Tables (see Chapter VI, § 7 [g]);
- (2) By means of the Tables of Cases Digested in the L. R. A. Digests; or
- (3) By reference to the Decennial Table of Cases, if his first case was decided prior to 1907.

⁸ This statement requires a possible qualification that although, if several of the syllabi are closely similar (as, if they would both fall under the same Key-Number in a standard digest), the note may be so broad as to include all points which they cover. This, however, does not often happen.

⁹ Reference is here made only to L. R. A., but the same means are available for the American Decisions, American Reports, and American State Reports. And for locating a known case in the "Trinity" series there is another and more convenient means at hand—the "Alphabetical Tables of Cases Reported," referred to in the preceding subsection (illustrative pages from which appear in Reference Book, pp. 669 to 672).

Having obtained his citation by one of these means, he will next turn to the report of the case in L. R. A., which may or may not prove to be annotated. If the case is annotated, the annotation may be an extensive or limited note covering his point, or a reference to some other L. R. A. case on the same point which has been annotated. In many instances, the annotation will be on some other point of the main case than that in which he is interested.

If a long note on his point is found, it will usually cover, not only cases strictly in point, but analogous cases which may be of considerable value, as rounding out the view of the whole subject under investigation.

Illustration. To illustrate, let us suppose once more that we are interested in the question whether an innkeeper is liable for a personal injury to a guest, and that we have in one way or another located the case of *Lyttle v. Denny*, 222 Pa. 395, as being in point. To get the L. R. A. citation to this case, we turn to the L. R. A. Parallel Citations (see Reference Book, p. 760), where we find that the case is reported in 20 L. R. A. (N. S.) 1027 (for report of case, see Reference Book, p. 39). In the "case note" to this case we find a statement of the ancient rule of common law holding an innkeeper liable as insurer for the safety of the property of his guests, and about 25 cases cited on that point. The cases on injury to the guest's property, though not strictly in point, are nevertheless of value, in the absence of other cases directly on our question.

§ 7. Supplementing the Use of Selected Case Series

Let us suppose that in any of the foregoing ways the brief maker has reached a case in the Selected Case Series. Assuming that the case is annotated, and again selecting the Lawyers' Reports Annotated for purposes of illustration, it is obviously important to supplement the annotation by a search for later cases in point. In other words, it is necessary to find, by some means, cases as follows:

For every note, long or short, the latest cases on the subject—those decided since the note was prepared.

For "case notes" in the new series, and starred notes in 1-70 L. R. A. (that is, for those notes which do not undertake to be exhaustive), the cases not included in such notes.

The note may best be supplemented in the same way that a text-book or encyclopædia is supplemented—by making the information found therein a key to similar and later cases in the American Digest System. Let us take an illustration.

Suppose that we are interested in the liability of an innkeeper

for personal injury to a guest at his inn, and that we have begun our search by going to L. R. A.

Having located the case of *Lyttle v. Denny*, 20 L. R. A. (N. S.) (see Reference Book, p. 39) as in point, we find appended to the report of the case a "case note" of which the scope is indicated as "Presumptions of Negligence of Innkeeper from Injury to Guest or his Property." The date of the case being given as January 4, 1909, we may assume that it is digested in Vol. 5 or 6 of the Key-Number Series. On turning to the Table of Cases Digested in Vol. 6, we find that our point of the case is digested under the topic *Innkeepers*, § 10 (see Reference Book, pp. 529 and 534). This key-number refers us to the Decennial Digest (and so, indirectly, to the Century Digest), where the earlier cases not included in the L. R. A. "case note" may be found.

Turning, now, to the Cumulative Table of Key-Number Sections,¹⁰ we find that there are cases under *Innkeepers*, § 10, in Vols. 1, 2, 3, 5, 6, 8, 9, 11, and 12 of the Key-Number Series. And for the very latest possible cases on the question we may trace the Key-Number into the late volumes and advance sheets of the different Reporters.

§ 8. Subsidiary Aids to Use of Selected Case Series

As explained elsewhere, there are certain subsidiary aids to the use of the Selected Case Series, the use of which must be considered at this point. These books are designed to assist the investigator in judging by external facts the value of cases found reported in the Selected Case Series which he has consulted.

(a) *L. R. A. Cases as Authorities*

This four-volume compilation shows in what later cases (down to 1905) the various cases reported in 1-50 L. R. A.¹¹ have been cited. The matter relating to each L. R. A. case is arranged under the title of such case, and the titles appear in the same order in which the cases themselves are found in L. R. A. itself.

This publication is in the nature of a citation book, but, unlike the usual citation book, it indicates by a brief text statement the character of the citing case.

The purpose and manner of using it is, however, precisely the same as that of a citation book.

To illustrate: Let us assume that we are interested in the ques-

¹⁰ See Reference Book, p. 430.

¹¹ A new edition of *L. R. A. Cases as Authorities* is now in course of preparation. It is announced as a six-volume work, and will cover 1-70 L. R. A., instead of the first fifty volumes only. The sixth volume will include a new issue of the Red Book, covering down to and including Vol. 42 L. R. A. New Series.

tion of what are necessities for which an infant will be held liable on his contract, and that in one way or another we have found the case of *Kilgore v. Rich*, 12 L. R. A. 859, as one of our authorities on the question.

Desiring to learn the weight to be assigned to this case, we turn to L. R. A. Cases as Authorities, in volume 2 of which we find the titles of cases reported in 12 L. R. A. Running through these cases until we come to the citation "12 L. R. A. 859," we find it followed by the title *Kilgore v. Rich*—with the parallel citations to other sets of reports. Under this citation are three short paragraphs, the first of which shows that on the question of "what are necessities" *Kilgore v. Rich* has been cited in three cases. (See Reference Book, p. 748.) By turning to the reports of the citing cases, we are able to get some light on the weight which the courts have given in these later cases.

(b) *Notes on the American Decisions and American Reports*

Similar to the L. R. A. Cases as Authorities, both in purpose and arrangement, is a recent twenty-volume publication "Notes on the American Decisions and American Reports." This compilation was prepared by the editors of L. R. A. No additional explanation or illustration of its use is necessary, as it is the same as the use of L. R. A. Cases as Authorities.

It may be added that an "extra-annotated" edition of the American Decisions and American Reports has been published recently. The extra annotations in this edition consist of the matter contained in the aforesaid "Notes on the American Decisions and American Reports," the notes for each particular volume being published at the back of that volume of reports.

Illustrative pages from the "Notes on the American Decisions" will be found in the Reference Book, pp. 749 to 752, which the reader should compare with those from L. R. A. Cases as Authorities (Reference Book, pp. 746 to 748.)

(c) *L. R. A. Red Book*

This is a brief name given to a volume the full title of which is "L. R. A. Cases Cited in L. R. A. Notes." It covers 1-70 L. R. A. and 1-21 L. R. A. New Series.¹²

The Red Book, though not a citation book, is similar in character. It is arranged in the same way as a citation book (by citation to volume and page in the order in which the cases are reported in L. R. A.), and shows in what notes to later cases in the series, each L. R. A. reported case has been cited.¹³

¹² Most of the matter in the Red Book is found also in the "L. R. A. Cases as Authorities."

¹³ See Chapter VI, § 6 (d), above.

The purpose is obvious—i. e., to enable one who has identified a case reported in L. R. A. as covering the point in which he is interested to find, in later volumes, notes which touch upon his question. (The Red Book does not indicate on which point of the first case the note bears. The searcher must examine all notes referred to, in order to ascertain whether or not they have a bearing on his question.)

No illustration of the use of the Red Book seems necessary, but the reader is advised to examine the illustrative pages found in the Reference Book, pp. 753 to 756.

CHAPTER XV

SELECTING, VALUING, AND VERIFYING AUTHORITIES

- § 1. Introduction.
- 2. Selection of Authorities.
- 3. Notes of Investigations.
- 4. Verification of Authorities.
 - (a) Illustration.
- 5. Determining Value of Authorities.
- 6. Same—Finality of Decision.
- 7. Same—Past Judicial History of Principle.
- 8. Same—Subsequent Judicial History of the Case.
 - (a) Citation Books or Citators.
 - (b) Shepard's Citators and Citation Books.
 - (c) Supplements for Each Citator of the Shepard Series.
 - (d) Miscellaneous.
- 9. Notes to Cases.
- 10. Same—Reference to Text-Books.
- 11. Use of Analogous Cases.
- 12. Conclusion.

§ 1. Introduction

The preceding chapters have been designed to explain what may be called the mechanical side of brief making; that is to say, to explain the tools to be used by the brief maker and the methods of using them.

In the first division of the book, the reader's attention was confined to a description of the various classes of law books—books of primary authority, those that contain the law; books of secondary authority, those that explain or summarize the law; and search books, books for finding the law. In this second division the uses of the various classes of books in finding the law have been discussed, together with the various methods of finding a "first case," and, finally, of using that case as a clue to other cases in point.

The result of an exhaustive search for authorities is usually the collection of a large number of citations of cases. It may be assumed a priori that some of these are of greater value to the brief maker than others, and that some of them, though apparently applicable to the question at issue, will, on further investigation, prove to be so variant in facts as to be of no value to him. Therefore there is presented to the brief maker the problem of selecting from this mass of citations so collected the particular cases that are of real value and influence as authorities on the problem in hand. Just as a thorough analysis of the facts was necessary preliminary to any search for authorities, so a careful analysis, comparison, and weighing of the authorities is necessary before the lawyer proceeds to the actual composition of his brief. The third division of this book is devoted to a discussion of precedents and statutes as authority and the rules which govern the weight to be assigned to them. It is the purpose of this chapter to outline in a general way the steps that should be taken by the brief maker in se-

lecting, verifying, and valuing the authorities which he has collected, and to explain the use of certain mechanical devices designed to aid him in that branch of his investigations.

§ 2. Selection of Authorities

As stated above, the search for authorities usually brings to light a large number of cases, some of which are apparently on all fours with, while others are more or less closely analogous to, the case under investigation. These cases may fall into three groups, namely: (1) Cases supporting the brief maker's theory of the case; (2) cases contrary to the brief maker's theory of the case; (3) a few cases which, perhaps, cannot be assigned to either side of the proposition without close examination and study.

Out of the first and third groups of cases the brief maker must select the cases on which he intends chiefly to rely in his argument. As a guide to the proper selection, he must not only verify these cases, but he must also value them, in order to determine their weight as authorities. Similarly, he must weigh and value the cases that are apparently against him, in order that he may correctly estimate the strength of the forces opposed to him and prevent cases adverse to his views from being given any undue weight in the decision of the case. Before he enters upon the final preparation of his brief, he should know the strength of his own weapons of attack, and should have at least a reasonably definite estimate of his adversary's weapons.¹

§ 3. Notes of Investigations

The work of verifying, valuing, and selecting authorities is one of some magnitude, and if the brief maker would avoid wasting his labor and his time, that work should be carried on according to some well-arranged system, and memoranda should be made of all investigations. Otherwise, there is danger that the brief maker will materially increase his labors by duplicating his work.

It is almost axiomatic that unnecessary duplication should be avoided. It should not be necessary to examine any statute or decision more than once, unless it is unusually important or difficult. Consequently

¹ There is a picturesque, but entirely authentic, story which illustrates the importance of gathering all possible external, as well as internal, evidence as to the value of a particular case. A lawyer in a Western state cited in his brief a case (on all fours with that at bar) decided by the New York Court of Appeals. His opponent, B., cited the decision of the New York Supreme Court in the same case, which was diametrically opposite to that of the New York Court of Appeals.

In disposing of the case at bar, the court decided for B., specifically basing its decision on the New York law as evidenced by the case cited by both attorneys. Neither of the attorneys nor the court recognized or seemed aware that the Court of Appeals is the highest court of New York state, and that in the case cited it was the Court of Appeals which reversed the decision of the Supreme Court, and not the Supreme Court of New York which reversed the Court of Appeals. (See List of Appellate Courts in Chapter 7 of the Appendix.)

it is advisable that the brief maker should keep a more or less complete record of every citation examined.

This record of citations should contain a memorandum, however short, indicating whether the case is valuable or valueless, and whether it is favorable to the brief maker's side of the argument or likely to be used by his adversary. As the search for and investigation of authorities proceed, the value of such memoranda will become manifest. Moreover, memoranda of this sort, if preserved, may obviate the necessity of investigating the question anew at some future day.

Various methods of keeping such a record have been suggested. Some writers on preparation for trial advise the use of notebooks for preserving a record of citations of and comments on the cases examined. The ordinary form of notebook is not good for the purpose, because there is no way of arranging and correlating similar or related cases, and, moreover, the memoranda on a single case may be widely separated by reason of the intervening pages becoming filled with memoranda relating to other cases.

We therefore suggest that either the loose-leaf notebooks, such as can now be obtained in almost any size and shape, or a card plant, be used. With either a loose-leaf notebook, or a card plant, all information regarding a case examined can be brought into juxtaposition, and furthermore, if a card or page be devoted to each case located or examined, the cases may be arranged alphabetically, chronologically, by points of law, or by jurisdiction, as may be desired.

If a card plant be used, each case found and investigated should be placed on a separate card; the title, date, and all parallel citations being given. These cards are arranged alphabetically by the titles. In making an exhaustive search for authorities, and using all sources of information, a particular citation will probably turn up several different times. If the card plant is arranged alphabetically, it is easy to check against it, and thus avoid duplication of citations.

On these cards should also be entered general memoranda indicating the value of the case—such as “Not in point,” “Adverse,” “Distinguished in *Doe v. Rae*, 215 Ill. 613,” “Overruled in *Smith v. Jones*, 185 Mass. 216,” “Overrules *Brown v. Robinson*, 151 Ind. 319,” “Decided under Statute,” “Construing Gen. Statutes, ch. 5, § 8,” etc.

Whenever the case investigated proves to be of exceptional strength, whether it is in one's favor or adverse, a brief memorandum of the facts and holding, similar in character to a digest or index paragraph, with perhaps a short quotation from the opinion, should be entered at once on cards to be placed behind the title card. So, too, if valuable comment on the case should be discovered in a case subsequently examined, or in a text-book, a memorandum thereof should also be entered on a card to be placed behind or pinned to the title card of the case commented on. These subsidiary cards may advantageously be of a different color from the title card.

The notes obtained are thus preserved in a form admitting of easy reference in preparing both the trial brief and the brief on appeal. Moreover, by providing a proper receptacle, each group of cards can be preserved indefinitely in shape for easy reference at any time when it becomes necessary to investigate the same question anew for another case. It will then be necessary to search for and verify authorities only for the period since the date of the former investigation.

The details of these various methods may not be applicable to every investigation, and, besides, one can usually make for one's own use a plan the details of which are more satisfactory than any suggested by another person; but, with these limitations, it may be said that the brief maker should at the outset learn how to make with discrimination and accuracy the memoranda, short or long, which, when sifted, expanded, corrected, and arranged, grow into a brief.

The suggestions as to keeping notes are made because very few persons have any knowledge of the principles of indexing, and the memoranda obtained during the examination of authorities practically serve as an index of the law of the case under investigation.

§ 4. Verification of Authorities

The brief maker must always bear in mind the fact that, though text-books, encyclopædias, digests, and the like are important aids in looking up the law, they themselves are not authority. The fact that a case is cited as supporting a certain principle in a text-book, encyclopædia, or annotation, or even by a court in some later decision, is not to be accepted as final. It is only the decision itself that is authority, and in every instance the decision should, if possible, be examined for the purpose of ascertaining whether it does in fact support the proposition to which it is cited.

The "first case" obtained by the brief maker, which, as pointed out in Chapter X, is to serve as the key to other cases, should be carefully analyzed and verified at once, in order to determine whether it is in fact, a case in point. Otherwise it may lead the brief maker astray, because of its variance from the question under investigation.

It is almost unnecessary to say that, if the controversy for which a brief is being prepared involves several different questions, necessitating as many independent searches for authorities, each set of authorities must be examined and verified, and the memoranda obtained on each set kept separate.

Too much stress cannot be laid on the importance of verifying the authorities. There is a tendency on the part of the young brief maker to regard those books which are in fact mere tools for finding the law as authorities which can be relied on and cited as controlling. Unfortunately, too, a similar tendency may be observed in a few courts. There is absolutely no justification for this practice, and the student

or young lawyer should carefully avoid such unwarranted methods of brief making. The day will surely come when it will spell disaster for him.

The Table of Cases Digested in the volumes of the American Digest Continuations may be used to advantage sometimes* to simplify and reduce the labor of verifying authorities.

(a) *Illustration*

Let us suppose the brief maker is interested in the question whether the appellate court will review the discretion of the trial court in ruling that a witness tendered as an expert possesses the necessary qualifications. By the descriptive words "discretion of court" a paragraph is located in Vol. 4 Key-Number Series in *Appeal and Error*, § 970, to the effect that "whether a witness tendered as an expert possesses the requisite qualifications rests largely in the discretion of the trial court, and its decision will not be disturbed unless clearly erroneous." To this proposition three cases are cited, viz., *Chicago Great Western Ry. Co. v. McDonough*, 161 Fed. 657, *Mabry v. Randolph* (Cal.) 94 Pac. 403, and *Floralda Sawmill Co. v. Smith* (Fla.) 46 South. 332. Of course, these cases are equally authority for this abstract proposition, and the brief maker may very properly cite them all. But, recognizing that, if one of them involves the same kind of expert testimony as does the case he is investigating, it is just as valuable to him as all these cases, he would under ordinary circumstances note these citations and proceed to the library to examine the cases. His case involves expert testimony as to the value of land. He examines these reports in the library, and discovers that the *Mabry Case* is the only one that involves a similar question. Now, he could have discovered that fact very easily without leaving his office, by using the table of cases digested in Vol. 4 Key-Number Series. As has been explained elsewhere the method is as follows:

Turning to the table of cases digested, he locates in the table the case of *Chicago Great Western Ry. Co. v. McDonough*, and finds that it is also digested in the topic *Master and Servant*, § 217. Referring to that topic and section, he learns that this is a personal injury case. Pursuing the same method, he finds that *Floralda Sawmill Co. v. Smith* is also a personal injury case. *Mabry v. Randolph* is digested in several topics, and among them *Evidence*, § 546. Referring to that section, he finds that one of the questions involved therein is the competency of an expert to testify to the value of land. Consequently, while all of the cases might be cited in his brief, the *Mabry Case*, being almost on all fours with his, is the best one to cite, and is sufficient in itself, though a memorandum of the other cases should also be pre-

* Also see Chapter X, § 7, on the use of digests for finding the facts of a case when no report of it is available.

served to insure against a duplication of labor by examining them again. In other words, without leaving his office or resorting to another book, he has been able, by using the table of cases digested, to determine the facts in the case cited. This method can, of course, be pursued in any instance when the digest paragraph is either wholly or partially abstract, or whenever a number of cases are cited to an abstract proposition as in some of the earlier digests and it is desired to select the particular case or cases that are most nearly analogous to the case at bar.

§ 5. Determining Value of Authorities

The general rules by which the weight of a decision, as such, is to be determined, will be stated and discussed in the third division of this volume. There are, however, a few mechanical tests that can be applied, the results of which will not only aid the brief maker in estimating the value as authorities of cases developed by his search, but they may lead him to a few additional cases corroborative of his general theory of the case at bar, though not exactly in point as to the facts.

Moreover, cases discovered which are apparently opposed to the brief maker's theory of the case, and hence likely to be used by his adversary, should be carefully verified and valued, and full memoranda made, in order that the advocate may be prepared to show their weakness or inapplicability to the case at bar, without the necessity of making an investigation during the progress of the trial or argument.

§ 6. Same—Finality of Decision

In view of the fact that in a number of states there are intermediate courts of appeal, and the further fact that in other states a decision of the appellate court may be subsequently modified on rehearing, it is necessary that the brief maker, before he adopts a case as authority, should determine whether the decision is final. Unless the case is a recent one, the necessary information to enable him to decide this fact will in all probability appear with the citation of the case in the digest where the case was found. If, however, the case is a recent one, he will probably be obliged to resort to the Tables of Cases Affirmed, Reversed, or Modified, found in each volume of the American Digest, Key-Number Series, or to other tables contained in the volumes of the National Reporter System, which show whether a rehearing or writ of error has been granted.

The Table of Cases Affirmed, Reversed, or Modified, contained in the Key-Number Series, is especially valuable to the brief maker. That table, as explained in Chapter VI, shows what cases have been affirmed, reversed, or modified by decisions included in the particular volume of the digest in which the table is found. The

purpose of the table is, of course, to guard the practitioner from citing cases that have been reversed or modified by later decisions.

Illustration

For example, suppose that the brief maker is interested in a case involving the liability of a vendor of diseased meats to one injured by eating thereof. He has found in Vol. 2, Key-Number Series, in the topic *Food*, § 25, the case of *Tomlinson v. Armour & Co.*, a case decided by the New Jersey Supreme Court and reported in 65 Atl. 883. (Reference Book, p. 457.) He desires to know whether this case can be cited safely as authority, and to determine that he must know, first, whether it has been affirmed, reversed, or modified by the New Jersey Court of Errors and Appeals. He therefore turns to Vol. 3, Key-Number Series, and consults the Table of Cases Affirmed, Reversed, or Modified. He finds no citation of the *Tomlinson* Case in that table. He then consults the table in Vol. 4, Key-Number Series.² He finds the *Tomlinson* Case cited there, with the information that it was reversed in 70 Atl. 314, with references to the places in Vol. 4, Key-Number Series, where the reversing decision is digested. He is thus guarded against citing a case which has been reversed.

In determining the value of a recent decision, it is sometimes necessary to know whether a rehearing has been granted, or whether a petition for rehearing is pending, in such case. This information is conveyed to the brief maker by tables which appear in the advance sheets and bound volumes of the Reporter System. So, too, in the volumes of the Reporter System may be found correlated tables showing those cases in which a rehearing has been denied without a written opinion. These tables should, of course, be consulted in order to determine whether the recent decision is final or not.

Similarly there will be found in the volumes of the Reporters, tables showing in what cases decided by the Texas Courts of Civil Appeals writs of error to the Supreme Court have been denied. This information is also necessary to the brief maker, in order that he may determine the finality of a recent decision of the Texas Court of Civil Appeals.

Attention has also been called in Chapter XI, § 2, to the Table of Cases in which petitions to transfer to court in banc have been filed. This table applies especially to Missouri cases, and should be consulted when a recent Missouri case is decided in division, because, if it appears from this table that a petition has been filed in such case to transfer it to a court in banc, the decision is not final, but must await the result of the decision by the court in banc.

² See Reference Book, p. 509.

§ 7. Same—Past Judicial History of Principle

After completing the search for authorities in the digests, text-books, and encyclopædias, it is wise to check the list of authorities thus obtained by the cases cited in the opinions of the cases relied on. The cases thus cited should then be examined to trace the past judicial history of the principle on which the decision rests and which is presumably the one on which the brief maker relies. Here, again, full and systematically arranged memoranda will save much duplication of work. The origin and history of the principle may throw additional light on its application to the facts in the case at bar.

The past judicial history of the principle can also be studied to advantage through the medium of an annotation in one of the series of selected cases, if it is found that the principal case is published in one of those series.

§ 8. Same—Subsequent Judicial History of the Case

When the brief maker has completed his search by pursuing the various methods of locating precedents, which have been described in the foregoing chapters, it is important that he should ascertain so far as possible the weight to be assigned to the various cases he has located. This requires investigation of the subsequent history of each case. We have already seen, in section 6 above, how he may learn whether a decision has been reversed, affirmed, or modified on a later hearing or on appeal in the same case; but a careful brief maker will desire to know also how each case in point has been regarded by the courts subsequently to its final disposition, as indicated by judicial references to it in later cases. The only sources of such information are Citation Books and Citators (and similar books, such as Rose's Notes, Notes on Illinois Cases, etc., already mentioned).

(a) *Citation Books or Citators*

Although many improvements have recently been introduced, and the preparation of this class of books has been developed and reduced to a system in Shepard's Citations,³ the Citation Book is by no means a new species of publication. In its simplest form it consists of a list of cases that are reported in a particular series of reports. Under each case are given the citations to all cases in the same and often in other series of reports in which the main case has been cited. In general, if the citing case affirms, reverses, overrules, approves or disapproves, criticises, or distinguishes the cited case, even the older Citation Books will indicate that fact.

³ A list of the various Shepard's Citations will be found in Chapter 5 of the Appendix. These books have also been described in a general way in Chapter VI above.

In most Citation Books the cases cited are arranged in the order in which they appear in the reports, but in some, and more particularly in the earlier ones, the titles as well as the citations are given, and in these instances the cases are often arranged alphabetically.

Illustration

Suppose that in our search the investigator has located the case of *Campbell v. Phelps*, 1 Pick. (Mass.) 62, as being in point. Turning to Williams' Massachusetts Citations we find that the full titles of the cited cases are given and that they are arranged in their alphabetical order (see Reference Book, p. 736). *Campbell v. Phelps* appears on page 101, and under it appears the following paragraph:

Campbell v. Phelps, 1 Pick. 62.

See Pervear v. Kimball, 8 Allen, 200; *Elliott v. Hayden*, 104 Mass. 181.

C. Eastman v. Winship, 14 Pick. 48; *Parsons v. Winchell*, 5 Cush. 594; *Todd v. Old Colony & Fall River R. R.*, 3 Allen, 20; *Henderson v. Staniford*, 105 Mass. 507; *Byers v. Franklin Coal Co.*, 106 Mass. 137.

From this paragraph we learn that *Campbell v. Phelps* was distinguished or criticised in the first two citing cases, but as to the other citing cases it shows only that they did cite the *Campbell Case*. (See Table of Abbreviations, Reference Book, p. 734.)

(b) *Shepard's Citation Books*

Reference has already been made in a previous chapter to a series of citation books known as "Shepard's Citations." Books of this series or system have already been issued for the Federal Reporter, for several of the other Reporters, and for most of the individual state reports. The citation book has reached its highest development in the later issues of this series, to which we may therefore give special attention.

Shepard's Dakota Citations and Key-Number Annotations, published in 1912, will serve to illustrate the system. Illustrative pages of this volume will be found in the Reference Book, pages 713 to 731.

The book is divided into four parts.

Part 1 covers the Dakota Territorial Reports, of which there are six volumes. It shows where each case has been cited by the courts of North and South Dakota and Dakota Territory, or has been affirmed, reversed, or modified on an appeal to the United States Supreme Court. It further shows what cases have been cited in the notes in L. R. A.

Part 2 covers 1-18 North Dakota Reports in the same manner; and

Part 3 covers 1-25 South Dakota Reports.

Illustration

The case of *State v. Kent* is reported in 5 N. D. 516. In Part 2 of Shepard's Citations (as in the other three parts) the citations to the cited cases are arranged by volume and page in the order in which they appear in the reports. Titles are not given. Turning to page 12 (see Reference Book, p. 720) we find the following:

Vol. 5	
North Dakota	
(page)	—516—
s 67 N.W.	1052
s 35 L.R.A.	518
f 24 S.D.	¹⁵ 594
24 S.D.	¹⁵ 599
14 N.D.	⁶³ 29
f 8 N.D.	¹⁰ 557
13 N.D.	¹¹ 326
14 N.D.	¹² 526
d 16 N.D.	¹² 439
f 18 N.D.	¹² 595
62 L.R.A.	¹² 202n
f 8 N.D.	¹⁵ 562
f 13 N.D.	¹⁹ 558
7 N.D.	²² 63
24 L.N.S.	²⁴ 780n
24 L.N.S.	²⁵ 782n

This gives us the judicial history of the case reported in Volume 5 North Dakota Reports on page 516; i. e., the case selected for this illustration. The column indicates the following facts:

In the first place, it gives the parallel citations; that is, it shows that it is the same case ("s") as 67 Northwestern Reporter 1052, and that it is also reported ("s" same case) in 35 Lawyers' Reports Annotated (L. R. A.) page 518.

The remaining lines show that the case has been cited many times in both the North and South Dakota Reports and twice in the notes in the Lawyers' Reports Annotated.

The reader will observe, from examination of the report of the case in 5 N. D. (see Reference Book, pp. 11-16) that the court passed upon a large number of points. It may be assumed that the brief maker will be interested in only one or two points of the case. To save him from wasting time in investigating cases upon any of the other points, the citations have been carefully analyzed and the extent to which each point has been regarded as an authority in the citing case is precisely indicated. Thus:

As to the point covered in the first paragraph of the syllabus it has been followed (f) in 24 S. D. page 594 and cited in 24 S. D. page 599.

As to paragraph 5 it has merely been cited in 14 N. D. 329.

As to paragraph 12 it has been distinguished (d) in 16 N. D. page 439, followed (f) in 18 N. D. page 595, cited in 14 N. D. page 526 and cited in the notes (n) of the Lawyers' Reports Annotated, Vol. 62, page 202.

As to paragraph 24 it has been cited in the notes of the Lawyers' Reports Annotated, New Series (L. N. S.) Vol. 24, page 780.

As to paragraph 25 it has been cited in the notes of the Lawyers' Reports Annotated, New Series (L. N. S.) Vol. 24, page 782.

Same—Part 4.

The fourth part of Dakota Citations differs very materially from the first three parts, in that it includes much editorial information. It is entitled "Shepard's Northwestern Citations (Dakota Cases) with Key-Number Annotations," and covers under the several Northwestern Reporter citations all the cases covered in Parts 1-3, and also those cases decided by the Dakota Territorial Court and the Supreme Courts of North and South Dakota during the same period, which were never reported in the official series.

The cases are, of course, arranged by volume and page in the order in which they appear in the Northwestern Reporter. The parallel citations to the official series are given underneath, and those to other various selected case series are given for such cases as are reported in one or other of those series.

The table then proceeds to show where each of these cases has been cited in later cases in the Northwestern Reporter, the United States Supreme Court Reporter (with parallel citations to the United States Reports and the Lawyers' Edition), the Federal Reporter and in the notes in L. R. A. or L. R. A. (N. S.).

Here again the citations to the citing cases are carefully analyzed, so as to indicate the syllabus paragraph covering the particular point of the main case upon which it is cited, this information being indicated by numerals and appropriate letters as in Parts 1-3, already explained and illustrated.

We now come to the new feature which is peculiar to this part of the book—an important feature which has been introduced into recent editions of the Shepard Citations in connection with the Reporter citations. This is the Key-Number Annotation. It is an innovation which extends the scope and usefulness of the Shepard Citation Books, by making it possible for the brief maker to locate all cases in point with the main case regardless of whether or not such cases have been cited by the court in its opinion,⁴ and regardless of whether any later case in point cites the main case. Preceding each citation or group of citations in Part 4 is given the Key-Number which covers the point of the cited case upon which such case is cited in the citing case or group of citing cases. Being already fully acquainted with the use of the Key-Number in the Digest and Reporters, no detailed explanation of its use in this connection appears necessary.

⁴ Note, however, that the Key-Number is given only for those points of the case upon which it has at some time or another been cited in some case.

Illustration

Let us again assume that we have in one way or another located the case of *State v. Kent* as a leading case on the question under investigation. It is reported in 67 *Northwestern Reporter* 1052. (See Reference Book, pp. 27 to 30.) Turning to page 76 of *Shepard's Citations* (see Reference Book, p. 730) we find the following column:

Vol. 67	
Northwestern	
(page)	—1052—
s 5 N.D.	516
s 35 L.R.A.	518
Judges (§51*)	
f124 N.W.	¹ 849
Trial (§18*)	
124 N.W.	¹ 851
Statute (§227*)	
103 N.W.	⁵ 640
Ind. & Inf. (§34*)	
f128 N.W.	⁵ 1123
Crim. Law	
(§1170½*)	
f 80 N.W.	¹⁰ 481
Witn. (§266*)	
100 N.W.	¹¹ 850
Crim. Law	
(§1170½*)	
d113 N.W.	¹² 378
f120 N.W.	¹² 553
f124 N.W.	¹² 74
128 N.W.	¹² 1035
62 L.R.A.	¹² 202n
Witn. (§266*)	
105 N.W.	¹² 615
Witn. (§306*)	
f 80 N.W.	¹⁵ 483
Evid. (§254*)	
f101 N.W.	¹⁹ 919
App. & E. (§263*)	
72 N.W.	²² 936
Crim. Law	
(§854*)	
24 L.N.S.	²⁴ 780n
24 L.N.S.	²⁵ 782n

The first two lines under the main citation show that it is the same case (s) as 5 N. D. 516, and that it is also reported ("s" same case) in 35 *Lawyers' Reports Annotated* (L. R. A.) page 518.

As already stated, the citations which follow have been carefully analyzed, so as to show the extent to which each point of the cited case has been regarded as authority in each of the citing cases, and also the title and Key-Number section of the *American Digest Classification* which covers the point on which the main case is cited has been given.

Thus, as to the point covered by the first paragraph of the syllabus for *State v. Kent*, it has been followed (f) in 124 N. W. 849, and the point decided is digested under the topic *Judges* in section 51 of all

Key-Number digests, and to the same paragraph in the syllabi it has been cited in 124 N. W. 851, and digested under the head *Trial*, § 18.

As to the fifth paragraph of the syllabus, it has been cited in 103 N. W. 640, and the point has been digested under the topic "Statute" (*Statutes*) Key-Number, § 227; it has been followed (f) to the same point of the syllabus in 128 N. W. page 1123, and digested under the topic "Ind. & Inf." (*Indictment and Information*) § 34.

As to paragraph 10 of the syllabus, it has been followed (f) in 80 N. W. 481, and digested under the topic "Crim. Law" (*Criminal Law*) § 1170½.

As to the eleventh paragraph of the syllabus, it has been cited in 100 N. W. 850, the point decided being digested under the heading "Witn." (*Witnesses*) § 266.

As to paragraph 12 of the syllabus, it has been distinguished (d) in 113 N. W. 378, followed (f) in 120 N. W. 553 and 124 N. W. 74, and cited in 128 N. W. 1035, and in the notes of the Lawyers' Reports Annotated (L. R. A.) Vol. 62, page 202, and digested in the topic "Crim. Law" (*Criminal Law*) § 1170½. To the same point in the syllabus it has been cited in 105 N. W. 615, the digest topic being "Witn." (*Witnesses*) § 266.

As to the fifteenth paragraph of the syllabus, it has been followed in 80 N. W. 483, and digested under the head "Witn." (*Witnesses*) § 306.

As to paragraph 19 it has been followed in 101 N. W. 919, the digest topic and section number being "Evid." (*Evidence*) § 254.

As to paragraph 22 of the syllabus, it has been cited in 72 N. W. 936, the point decided being digested under the topic "App. & E." (*Appeal and Error*) § 263.

As to paragraph 24 it has been cited in the notes of the Lawyers' Reports Annotated, New Series (L. N. S.) Vol. 24, page 780, and digested under the topic "Crim. Law" (*Criminal Law*) § 854.

As to paragraph 25 it has been cited in the notes of the Lawyers' Reports Annotated, New Series (L. N. S.) Vol. 24, page 782, the point referred to being digested under the topic "Crim. Law" (*Criminal Law*) § 854.

(c) *Supplements for Each Citator of the Shepard Series*

Supplements are issued at intervals of three months, and these supplements are cumulated, so that the brief maker need consult only the particular citator covering his case and the latest supplement thereto.

(d) *Miscellaneous*

In this section, reference has been made almost solely to the regular Citation Book in which all the information is tabulated and given by code signs, and of which Shepard's Citations have been taken as typical. This series is the only series which is approx-

imately national in its scope. It must, however, be remembered that there is another similar, though smaller, series known as The Citators (see Chapter VI, § 6 (c), above), and that many separate publications, varying greatly in quality of editorial work and consequently in usefulness, have been brought out in different states.

§ 9. Notes to Cases

Similar to Citation Books in purpose, but more elaborate in their makeup, are "Notes to Cases," or "Extra Annotations," as they are sometimes called. These are in effect Citation Books expanded, giving much of the information in form of text. The matter contained in these books is arranged in the order in which the cases annotated appear in the reports. Under the citation to each case annotated are given, in the form of text, citations to the citing cases followed, consisting of brief statements indicating the holdings and facts in such cases.

These collections of "Notes to Cases" have been issued by different publishers in connection with several different series of reports. The effort has been made to include a complete list of them in Chapter 5 of the Appendix of this volume, along with the list of citation books. As various specific series of notes have been referred to elsewhere, and their use explained in connection with the publications which they supplement, no further attention need be given them here. Perhaps the most important publications belonging to this class are Rose's Notes on the American Reports and American Decisions and L. R. A. Cases as Authority.

§ 10. Same—Reference to Text-Books

One of the tests of the value of a decision may be made by carrying the search into leading text-books, for the purpose of discovering what estimate well-known authors have put on the authorities. This is done by selecting several cases which seem to be especially favorable or unfavorable to the brief maker's theory of his case, and by means of the table of cases contained in every good text-book, finding the place where the author has cited such cases. It may be that there will be found, if the text-book is a really meritorious treatise, valuable comment on one or more of the cases, giving the brief maker a clear idea of their force, or of the extent to which they should be limited. Their relations to other cases involving the same principle may be pointed out, thus enabling one to form an estimate of their relative value.

Any comment of value thus obtained should be at once noted in the memoranda relating to the case. The importance of an elastic system of notes, which admits of revisions and additions, is mani-

fest, in view of the many sources of information to be consulted by the brief maker.

§ 11. Use of Analogous Cases

It may often occur that the problem under investigation presents a comparatively new question, or is peculiar, so that very few cases in point will be found, or the cases found may be decisions of little weight, and consequently of little value as authorities. For any of these reasons the brief maker may find it advisable to extend his search into collateral lines for the purpose of tracing the principle in analogous cases.

For this sort of search the brief maker will find the cross-references in the Digest very valuable, especially the external cross-references, following the analysis of the topic—the references to other topics where analogous questions are digested. If one of the authorities he has found is reported in one of the series of selected cases, he may find it desirable to examine the annotation of the case in such series. Such a note often leads the brief maker into collateral lines of investigation that will yield results in the form of analogous cases. A similar result can be attained by following up and examining the references obtained through the citation books.

§ 12. Conclusion

If the methods explained in the preceding chapters have been carefully and systematically followed by the brief maker, the cases found being carefully verified and valued and full notes kept of the results of his investigations, he should, at the close of his investigations, have in convenient form a mass of material ready for the preparation of his brief. He should have not only all the cases which support his theory of the case, but he should have found, also, the cases on which his adversary will probably rely. These he should weigh and value, just as he did his own line of authorities, so as to be prepared to meet and defeat the attack of his adversary.

CHAPTER XVI

RÉSUMÉ OF EXHAUSTIVE SEARCH FOR AUTHORITIES

- § 1. Introductory.
- 2. Preliminary Steps.
- 3. Examination of Statutes.
- 4. Search for Authorities.
- 5. Digests.
 - (a) Use of the Topic Analysis.
 - (b) The Descriptive-Word Method of Search.
 - (c) Use of the Table of Cases.
- 6. Exhausting the Authorities by Means of the American Digest System.
- 7. Use of Text-Books.
- 8. Use of Encyclopædias.
 - (a) By the Analysis.
 - (b) By the Cross-References.
 - (c) By the Index.
- 9. Use of Selected Case Series.
- 10. Getting the Latest Cases.
- 11. Verifying and Valuing Cases Located.
- 12. Finding the Facts of a Cited Case.
- 13. Conclusion.

§ 1. Introductory

We have now explained in greater or less detail the purpose and construction of each class of legal publication, and have indicated the methods which should be followed in using each class in a search for authority (i. e., cases in point) as illustrated by the most important examples of it. Assuming that the reader now has a clear idea of each kind of law book in general and of all the major publications of each kind in particular, it seems likely that something in the nature of a summary review may serve to give him a more comprehensive view of what may be called the law book field. Accordingly, we shall devote this chapter to a brief résumé of the preceding chapters in the form of an outline of the procedure which should be followed in an extensive search for authorities in all classes of law books, and shall indicate once more the various steps in the collection of material which must precede the preparation of a brief.

§ 2. Preliminary Steps

Before beginning his search for authorities, the methodical and careful brief maker will take certain preliminary steps.

The first of these consists in preparing a careful summary of the facts, setting forth briefly all the essential facts of his own case which can have any effect upon the problem in hand.

Next, by a careful and discriminating analysis of these facts he will draw up a provisional hypothesis; that is, he will formulate the problem of law in dispute, the proposition which he hopes sub-

sequently to establish by the authorities for which he is to search. Perhaps this may most advantageously take the form of a question which his later search is to answer. Of course, if more than one problem is presented by the facts, a separate hypothesis should be prepared for each (like separate counts in a complaint), and each question must be investigated and answered by a distinct search. We shall assume, however, that his case presents only a single problem.

In drawing a provisional hypothesis it is assumed that the brief maker's general knowledge of the law is such that he will at once recognize the principle or rule involved. If, however, the case falls within some branch of the law with the general principles of which he is not thoroughly familiar, he should first resort to some concise text-book covering it, and review those principles sufficiently to enable him to formulate a concise legal question, such as will give direction to his search for authorities.

§ 3. Examination of Statutes

With this provisional hypothesis clearly and concisely set forth, the first books to be consulted are the statutes of the jurisdiction which must govern the decision of the case. It is to the latest compilation, revision, or code that resort should first be had; but this must be supplemented by examination of the subsequent Session Laws. In many instances the constitution of the jurisdiction must also be referred to.

The statutes are approached either—

(a) By way of the Index, which, if properly made, will index, under such titles as *School Districts*, *Tax Receipts*, *Piers*, or *Locomotive Engineers*, the subject matter of each provision, as well as indexing it under the legal topic into which it naturally falls (as *Contracts*, *Pleading*, *Larceny*, or *Torts*); or

(b) By way of the Table of Contents, which is usually analytical in form, like a digest analysis, and represents and reproduces the actual arrangement of the statutes themselves.

§ 4. Search for Authorities

When a brief writer has satisfied himself that some particular statutory provision applies to his case, or that there is no statute governing it, he next turns to the search for cases in point. If there is a statute, he will wish for cases construing it, under which circumstances Annotations to the Statutes and Tables of Statutes Construed should be consulted, as they may give him a "first case." On the other hand, if no statutory provision is involved, his case is governed by the common law. Under any circumstances his search eventually becomes one for cases in point.

This search for cases may begin in a digest, an encyclopædia,

a text-book, or a selected case series. In each instance the first step in an original search is to find one single case "on all fours," or as nearly so as possible, with the case under investigation; i. e., one in which the same question of law was raised upon essentially the same facts—a case in point both as to law and as to the facts to which the law was applied. With one such case, the process becomes a matter of exhausting the authorities in the particular publication in which it was found, and, next, of supplementing this by a search in other compendiums.

§ 5. Digests

In an original search in a digest, as illustrated by the use of the various integral parts of the American Digest System, three methods of locating a first case are available.

(a) *Use of the Topic Analysis*

The brief maker may search for the section covering his question by means of the logical analysis. In following this method he will fix upon that topic which, from his general knowledge of the law or of the particular digest he is using, seems to him most likely to cover his question. Turning to such topic, he will run through the analysis or table of contents thereof, looking in turn for the appropriate division, subdivision, and section. In most instances the selection of the proper topic is a matter of considerable difficulty, as the case may conceivably come under any one of two or more topics. Under these circumstances he must examine each such topic until he has discovered that one which does, in fact, cover his case. Noting the section number, he will then turn to the section itself and examine the digest paragraphs found thereunder.

This method of search has been practically abandoned by all users of up-to-date digests in favor of the second method, namely:

(b) *The Descriptive-Word Method of Search*

This method disregards the principle of law involved, being based simply upon careful study of the facts. In pursuing it the searcher analyzes the facts to discover exactly what are the essential elements of his case. The essential facts of every case must include—

- (1) Subject-matter.
- (2) Party or parties concerned.
- (3) Cause of action or ground of defense.
- (4) Object of action.
- (5) Point in controversy (other than cause of action or ground of defense).

Some of these elements will be salient, whereas others will have little bearing upon the problem in hand. Selecting one or more

words which describe those essential facts which are salient, the brief maker turns to the Descriptive-Word Index in search of a title corresponding to his first descriptive word.

When an index word corresponding to a descriptive word has been found in the index, he will examine all the index lines under it, and select therefrom any one which appears likely to cover the point involved in the case. If the descriptive word shown does not appear as an index word, try synonyms of it. For instance, if *meteor* is the descriptive word but does not appear in the Index, try *aérolite*. Again, if the word selected is a verb or an adjective, it is usually necessary to exchange it for the noun corresponding to it. It is usually better to select descriptive words of specific rather than general meaning.

The desired index line, when found, is always followed by a black letter reference to the digest by topic and section. This leads the searcher directly to the Key-Number section or sections, in the Decennial or other Key-Numbered Digest, which include the matter indicated by the index line.

If the black letter section line for a particular section referred to proves to be a 2-em dash line, one should always examine the next preceding full line of which it is a subdivision, and the other 2-em dash lines, and any sub-lines following under such full line. This process may lead to a line of analogous cases.

If the index line refers to two or more consecutive section lines of the digest, it is well to examine the part of the topic analysis within which they fall, in order to discover their relation to each other and to the topic. Such reference to a number of consecutive sections will often prove to be a reference to a subdivision of the topic or to a full black letter line with various 2-em dash lines under it.

In every instance, it is desirable to examine all such cross-references as appear in the digest itself under the section or black letter lines referred to, or under the division and subdivision of the topic within which such black letter line falls. If the topic is a short one, it is well also to run through the cross-references following the topic analysis.

If the descriptive word chosen proves to be a main title of the classification, as well as an index word, or to be an index word under which several pages of index lines appear, it is well to try out the other and more specific descriptive words before proceeding to examine the index lines under the the first descriptive word, as doing so may save time and labor.

(c) *Use of the Table of Cases*

The third method of searching for cases in the digest is that which assumes that the brief maker already has a first case in

point before he goes to the digest. Under these circumstances he may make such case the means of finding all the other cases in point in the digest. Every good digest has a Table of Cases Digested, but this feature has been most highly developed in the American Digest System.

If the brief maker's first case was reported prior to 1896 it is digested in the Century Digest. If, however, the case falls between that date and October, 1906, it is digested in the Decennial Digest. But both digests are covered by the Decennial Table of Cases. Accordingly, if his first case was decided prior to October, 1906, the brief maker can locate the title of it in the Decennial Table, and under the title he will find a reference to the topic and section of the Century or Decennial Digest where each point of the case is digested. Turning to the section indicated, he should locate the digest paragraph for his particular case.

On the other hand, if the case is since the close of the Decennial period, instead of using the Decennial Table of Cases, the brief maker will use the Table of Cases Digested in the various volumes in the Key-Number Series. These he will use in the same way as the Decennial Table. (To avoid the necessity of examining the table in every volume, he should make use of the tables of reports which are found in the front of the several volumes until he has fixed upon the proper volume.)

As every case decided in the United States has been digested in one or other part of the American Digest System, the brief maker can, by means of the several Tables of Cases, identify the particular Century or Key-Number section which covers his question, no matter when his first case was decided.

§ 6. Exhausting the Authorities by Means of the American Digest System

Each of the three foregoing methods of search in the digest has as its immediate object the discovery of a single case in point under some Key-Number section. This is because by so doing he will identify the Key-Number (or, perhaps, by the third method, the Century) section which covers his case, and under which, by reason of the uniformity of classification, he can locate all his cases, not only in the particular digest where he finds his "first case," but in all other digests of the system.

If his first case is in the Decennial Digest, he will, after examining the other cases under the same section in the Decennial, turn to the same section of the same topic in the various volumes of the Key-Number Series. (The Cumulative Table of Key-Number Sections may be used to save him the trouble of examining volumes in which there were no cases digested under his particular Key-Number.)

He will then search the issues of the Monthly Digest subsequent to the last volume of the Key-Number Series in search of the same Key-Number.

He has now covered all cases since 1896. The earlier cases are all in the Century Digest, which is not a Key-Number Digest. However, by means of the Century references, which are always printed underneath the Key-Number sections, the investigator is led directly to the earlier cases on this point.

Thus far it has been assumed that his first case was found in the the Decennial or in the Key-Number Digest. If, however, it was located in the Century Digest, it is only necessary to translate his Century section into a Key-Number section in order to find all the later cases. This is done by means of the Pink Table of corresponding Century and Key-Number sections, in Vol. 21, Decennial.

§ 7. Use of Text-Books

If at the outset of his search a brief maker resorts to text-books, he will first select a text-book upon the general subject which covers his question. In using it he will follow one of three methods of procedure:

(a) The first of these is to use the table of contents. This corresponds to the topic analysis of a digest or encyclopædia, and represents the logical development and arrangement of the subject-matter of the text itself. Running through the table of contents he will look for the appropriate reference which will lead him to the part of the text for which he is looking.

(b) The second method of using a text-book is by means of the index. This is rather easier to use than the table of contents, because if it is well made it will index the subject-matter as well as the broader and more indefinite legal titles and divisions. In the index the brief writer looks for an appropriate reference leading him into the text where the rule which he is seeking is stated, and where, perhaps, he may also find a discussion of the subject. A footnote will usually be found in this way, in which cases will be cited in support of the rule laid down in the text.

(c) Every good text-book contains a table of cases cited. Therefore, if the brief maker, having already found his first case, desires a text-book discussion of the principles involved, he can turn to an appropriate text-book, where, if his particular case is cited, he will find it listed in such table with reference to the particular place in the footnotes or text where it is cited by the author. This will lead him to the text discussion for which he is looking, and often he will find additional cases cited in the footnote. It must be remembered that few text-books undertake to give even a large pro-

portion of the cases in point. From this it follows that a text-book cannot be used to exhaust the law.

§ 8. Use of Encyclopædias

In beginning an original search in an encyclopædia, the brief maker finds much the same problem as with the digest. There are three distinct methods of using an encyclopædia.

(a) *By the Analysis*

This involves the selection of one or more topics which seem likely to cover the point under investigation. Turning to the first of these, the investigator examines the very full and detailed logical analysis found in the front of the topic. If his first topic does not bring results, he will try the second, and so proceed until he locates a particular division line covering the point. Following this will be found a reference to that part of the topic for which he is searching. This will lead him to a statement of a rule of law to which is appended a footnote citing the cases which are conceived to support and apply such statement.

(b) *By the Cross-References*

The second means of entering an encyclopædia consists of the cross-reference heads. These are designed to assist the brief maker in selecting his proper topic. In the first thirty volumes of Cyc. the references under these cross-reference titles are not specific, but general. In the last ten volumes they are specific, and refer to the volume and page where the matter is indicated or discussed. The cross-reference titles are not ordinary legal titles, but are usually descriptive of the subject-matter, and form a sort of index to the encyclopædia similar to the index to a text-book.

(c) *By the Index*

The third and most practical means of locating matter in Cyc. is the Cyc. Index and Concordance. Its use practically supersedes that of the cross-reference system above referred to. This Index bears a strong resemblance in character, purpose, construction, and use to the Descriptive-Word Index. In using it the brief maker should base his search upon the facts of the case, and should apply the descriptive-Word Method. When, however, the descriptive word which he has selected proves to be a topic title in Cyc., as well as an Index title, he should invariably examine the analysis of such topic in Cyc., in addition to the references under the title in the Index.

The notes in Cyc. are supplemented by Cyc. Annotations, a publication cumulated from year to year. In using this volume the investigator notes the number of the volume, page, and footnote where he has found his matter in Cyc. itself, and turning to the Annotations locates the corresponding reference, which is followed

by citations to later cases supporting the text statement to which the original note is appended.

§ 9. Use of Selected Case Series

As in the case of digests, there are three methods of searching the selected case series for cases in point. The first two are adapted to use where a general search is begun in the selected case series in the first instance, whereas the last assumes that the brief maker has already located his first case in point.

(a) Any selected case series may, like other sets of reports, be approached via the digests of such series. In doing this the searcher may use either the topic analysis (following the regular analytical method) or the cross-references. As to the latter, he should treat them as if they constituted the index to the digest (which in effect they are). Assuming that a case in point with his own case is reported in the selected case series, the brief maker can find it in this way. It may or may not be annotated upon the particular point in which he is interested; but, if annotated on such point, the note will contain references to other cases upon the question in hand.

(b) The second avenue of approach to a selected case series is the index to notes. In following it, the investigator treats the notes as a digest, and the index to notes as an index to such digest.

In order to exhaust the possibilities of a selected case series the investigator should combine these two methods, and should carry his search through the successive digests and indices to notes which cover the series that he is examining.

(c) If he already has the citation to a case in point, and if it is among the cases reported in the selected case series to which he turns, he may locate it in such series by any one of several means:

- (1) The numerical parallel tables issued for every case series.
- (2) Tables of cases digested in the digests of the particular series.
- (3) The alphabetical lists of cases reported which have been published separately for some of the selected case series.
- (4) The Decennial Table of American Cases.

Having found the selected case series citation by one or other of these means, he should examine the report of the case itself in order to find an annotation upon his point. It may be added that in doing so he may find simply a cross-reference note, which will lead him to some case other than his original case. These references should always be followed carefully.

§ 10. Getting the Latest Cases

The notes in an encyclopædia, text-book or selected case series must be supplemented by use of other books, if one is to find the cases decided since the notes were compiled. This is done by tak-

ing one or another case, cited in the note under examination as being in point, and locating it in the American Digest System by means of the several Tables of Cases Digested, so as to find the Key-Number.

With the Key-Number it is possible to get even the cases reported since the latest issue of the Monthly Digest by searching in the Key-Numbered Index-Digests found in the Reporter advance sheets and bound volumes.

§ 11. Verifying and Valuing Cases Located

When the brief maker has completed his search for cases, every case which he has found should, if possible, be verified by actual reference to one or another of the reports of such case, in order to make certain that it is really in point.

Each decision should also be looked up in a citation book, or in Notes to Cases, such as the Notes on the American Reports, or other book of similar character, in order to find how it has been regarded by the courts since it was decided. It should also be looked up in either a citation book or Table of Cases Affirmed, Reversed, or Modified, to discover whether it has been directly affected by some subsequent decision in the same case on rehearing or appeal.

§ 12. Finding the Facts of a Cited Case

When the brief maker has not access to a case for which he has a citation, and is therefore unable to verify his citation by examining the decision itself, he may ascertain the facts as well as the points decided through use of the American Digest System. He will first determine by reference to the Tables of Reports Digested what volume of the Digest System covers the case. In that volume he will turn to the Table of Cases Digested, find the title of his case, and following it the Key-Numbers under which the different points decided have been digested. The various digest paragraphs to which he will thus be referred will, considered collectively, prove to be a synopsis of the facts and law of the case.

§ 13. Conclusion

The foregoing outline of a general search for authorities does not purport to review this entire volume fully. It is intended simply to indicate in a general way what steps should be taken, and the reader must fill in the gaps and details from his memory of what has been said in previous chapters.

CHAPTER XVII

DIGEST CLASSIFICATION—STANDARD CLASSIFICATION SCHEME—
GENERAL RULES OF CLASSIFICATION

- § 1. Introduction.
- 2. The Standard Classification Scheme.
 - (a) Theorem.
 - (b) Categories.
 - (c) Main Titles or Topic Titles.
 - (d) Difficulties of Classification.
- 3. The Rule of Precedence.
- 4. Same—Application of the Rule of Precedence.
- 5. Same—Exceptions.
- 6. Distinction between General and Specific Main Heads.
 - (a) Matters Relating to Contracts.
 - (b) Matters Relating to Pleading and Practice.
 - (c) Matters Relating to Constitutional Law.
 - (d) Same—Police Power.
 - (e) Matters Relating to Statutes.
- 7. Same—Illustrations of Use of General and Specific Heads.
- 8. Use of Substantive and Remedial Heads.
- 9. Same—Illustration of Use of Substantive and Remedial Heads.
- 10. Same—Substantive and Remedial Subdivisions of Topics.
 - (a) Illustration.
- 11. The Basic Principle.
- 12. Importance of Careful Analysis of Facts.
- 13. Application of Principles of Classification in Finding the Law.

§ 1. Introduction

In dealing with the use of digests in the preceding chapters we have discussed the most practical methods of search, and have referred to matters of digest classification only in so far as was necessary to a proper understanding of the character and structure of digests. The Descriptive Word Method of search makes it unnecessary for the lawyer, not engaged in the actual preparation of digests, to have any detailed knowledge of the theory or application of the rules upon which these books are constructed, or of the way in which digest matter (i. e. digest paragraphs) is distributed among the different digest topics.

To the average practicing lawyer the rules of classification are not of much practical interest, yet he may well find a limited knowledge of them of advantage in using digests, as it will often supplement and help out the practical application of the Descriptive Word Method of search. For this reason, and because our discussion of law books would be incomplete without an explanation of the theory and rules of classification, the present chapter and the one following will be devoted to this topic. If the reader is particularly interested in these matters, he will find that careful study of both chapters will repay him for the time required to master their contents. On the other hand, as has been said else-

where, the subject is an unusually difficult one, the preparation of a proper digest being work which requires great editorial skill and experience. Accordingly, the average reader will probably not care to give much time to these chapters, and he may reasonably content himself with mastering the general rules of classification and of distribution of digest matter without endeavoring to remember the details which must necessarily accompany any explanation of it.¹ The two chapters which follow are written rather from the point of view of one looking up the law and basing his search upon the Classification, than from that of an editor occupied with the actual preparation of a digest.

§ 2. The Standard Classification Scheme

The Standard Classification Scheme is that used by Mr. Benjamin Vaughan Abbott in the later volumes of the U. S. Digest, and subsequently expanded and logically developed by Mr. John A. Mallory for the Century Digest and its continuations. The principle underlying both Mr. Abbott's scheme and its logical successor is that in every body of law there will be (1) a branch of law fixing status governing personal relations; (2) a branch which has for its principal object the regulation, ownership and transfer of property; (3) a branch intended to secure the proper observance of agreements modifying the preceding relations; (4) a branch providing for the redress of wrongs; (5) a branch relating to the punishment of crime; and (6) these various objects are secured by means of certain proceedings remedial in their nature; (7) administered with the assistance and under the control of the state. In 1880, responding to a suggestion that his classification scheme might be made the basis of a uniform system, Mr. Abbott explained his system briefly (22 Albany Law Journal, 179), stating that his scheme of classification was founded on the following principle or theorem:

(a) *Theorem*

"Law is the effort of society to protect PERSONS including CORPORATIONS, in their rights and relations, to guard them in their PROPERTY, enforce their CONVEYANCES and CONTRACTS, and redress or punish their WRONGS or CRIMES, by means of judicial REMEDIES.

¹ In law schools, where the time allotted to the study of Brief Making and the Use of Law Books is limited, the instructor may well find it desirable entirely to omit this part of the subject from his course, and to devote the time which it would require to the more practical phases of the use of books. Indeed, it is open to doubt whether real advantage will be gained from giving instruction on the theory of classification in the class room. At the same time, if the instructor desires to go into this question with his class, it is thought that these chapters offer a sufficient basis for such work, although he will find it expedient for his own purposes to supplement them by study of the Scope Notes of the Standard Classification, a copy of which may be obtained on request from the West Publishing Company.

founded upon EVIDENCE, and administered by the civil arm of GOVERNMENT."

For the purpose of the Standard Classification Scheme PERSONS is made to include CORPORATIONS, PROPERTY to include CONVEYANCES which are necessarily incidental to property, and REMEDIES to include EVIDENCE, and the theorem is thus modified to read as follows:

"Law is the effort of society to protect PERSONS in their rights and relations, to guard them in their PROPERTY, enforce their CONTRACTS, hold them to their liability for their TORTS, punish their CRIMES by means of REMEDIES administered by the GOVERNMENT."

(b) *Categories*

The scheme is based, therefore, on the arrangement of the contents of the digest primarily under the following categories:

1. PERSONS.
2. PROPERTY.
3. CONTRACTS.
4. TORTS.
5. CRIMES.
6. REMEDIES.
7. GOVERNMENT.

The use of these terms for such primary classification involves no general analysis of the law, but depends simply on their comprehensiveness and convenience for the arrangement under them of the digest matter and of the heads thereof in common use. The terms are, therefore, to be taken comprehensively, and not in any narrow or technical sense. The single words denoting the categories are to be understood as if each was preceded by the words "Matters relating to." Thus, category 1, as representing all matters relating to persons, includes everything incidental to or connected with the existence and protection by the law of all persons, natural and artificial, and of every distinct class of persons, their relations, rights and obligations of a personal nature, combinations of persons in partnerships, associations, and companies and the various classes of personal occupations. So, too, category 2 includes, not only the subjects of rights of property, but also the various estates therein, and rights and obligations in respect thereof, and whatever is primarily incidental to or connected with property, such as conveyances and other modes of acquiring and transferring it.

But the use of one of these categories or its equivalent, such as PERSONS or REMEDIES, as a broad title or main head, has been discontinued in later digests in favor of more specific heads. This is in accordance with the general policy of showing the specific point or practical application, rather than the general principle of the decision, and also with the need of more minute subdivision arising from the increased quantity of matter contained in the average digest.

(c) *Main Titles or Topic Titles*

The selection of titles for the various topics—which in the Standard Classification Scheme are 412 in number—and the distribution among them of the contents of the digests, are controlled chiefly by considerations of practical convenience and usage, arising from the nature and use of digests as books of reference in which lawyers look for precedents relating to specific subjects under heads to which they have become accustomed. Scientific or technical accuracy in the use of terms as such titles, and in the division and arrangement of the matter, desirable as it may be in theory, is subordinated to these practical considerations. Though some theory of classification is necessarily implied in and is essential to any orderly and fixed arrangement of digest matter, any philosophical analysis of the law would manifestly be inapplicable to a digest, the contents of which are mere fragments of the subject-matter placed under heads arranged in alphabetical order.

(d) *Difficulties of Classification*

The difficulty is to determine under which one of these 412 topics a given proposition of law should be looked for; that is to say, under which one of these is it probable that an expert digester would place it. Unfortunately, law does not come to us ready made, put up in parcels and labeled “Contracts,” “Negligence,” “Pleading,” and the like; but the proper classification and the placing of the various propositions in the digest is the work of human hands directed by human brains, with all the prejudices and peculiarities of action that human brains are prone to. The personal element that controls the classification of matter for the digest makes it impossible that digesting should ever become an exact science. In determining the classification of a given point of law or practice, as presented in the syllabi of an adjudged case, not only is the principle on which the court actually decided the case a factor, but more potent is the conception which the digester forms of the meaning of the court’s language and of the principle on which the case was adjudicated. This is what is meant by the personal element. When it comes to actually finding the cases in the digest, a third element, also personal, enters into the problem, and this is the investigator’s conception of the principle which he believes governs the facts in his case.

There are, however, certain fairly well-defined rules which are designed to control and guide the digester and to minimize the effect of the personal equation, and a knowledge of these rules will tend to minimize the effect of the investigator’s personal peculiarities of thought. The general scope of the 412 main titles employed in the Standard Classification Scheme has been outlined by words both of inclusion and of exclusion. The scope notes defining these titles will be found in both the Century and Decennial Digests.

There are, too, certain rules, based on scientific or practical considerations, which tend still further to control the diversity of classification due to the personal element. While it would be impossible within the limits of this chapter to explain all of these rules and show their practical application, there are a few fundamental principles, a knowledge of which will be of material aid to the investigator in his search for authorities. It is to these that the attention of the reader is now directed.

§ 3. The Rule of Precedence

In the Standard Classification Scheme the main titles are distributed among the seven categories according as their subject-matter relates to Persons, Property, Contracts, etc. A list showing the arrangement of the titles according to category will be found in chapter 8, § 2, of the Appendix. Throughout the following discussion, the reader should make constant reference to this table which will assist him greatly in understanding the somewhat difficult problems of digest classification and the search for authorities by use of the Classification. The order in which the fundamental categories are enumerated is considered as following a certain natural precedence inherent in the subjects, furnishing a general rule of priority for the distribution of matter among the several main titles, by simply following this order of precedence in placing matter capable of being classified under two or more heads; that is to say, a proposition in which the principal question involved is one of personal status or relation will be digested and should be looked for under a personal head, though it also involved the disposition of property, or the right to contract, or the liability for torts, etc. On the other hand, if the principal subject of the proposition is a disposition of property, irrespective of the status or relation of the persons involved, that proposition would be digested and should be looked for under a property head. So, too, as to a question of contract. If the principal subject of the proposition is purely one of contract, the proposition would be placed under and should be looked for under a contract head. If, however, the principal subject-matter is the property which was subject to the contract, or the status or relation of the parties concerned in the contract, then the proposition would be digested and should be looked for under a property or a personal head, as the case may be.

To illustrate further, suppose a series of propositions involve:

- (1) The protection of the person.
- (2) The disposition of property.
- (3) The right to contract.
- (4) Liability for torts.
- (5) Responsibility for crime.
- (6) Capacity to sue or defend.
- (7) Eligibility to hold public office.

If the principle involved in the first proposition was that an infant who has lost his parents should be bestowed with some near relatives, or with some charitable organization, or with an orphan asylum, it is obvious that under the rule such matter must be placed under the title *Infants*.

If the second proposition, relating to the disposition of property, involved the disposition of an infant's property, the proper place to search for it would be under the head *Infants*, because under the rule of precedence, the personal topic takes precedence over a property topic.

So, with the matter relating to contracts, if it involves a general question of contracts, it would go to the title *Contracts*. If, however, it involves the disability of an infant or a married woman to contract under the rule of precedence above named, it should be placed under *Infants* or *Husband and Wife*, as the case may be.

A proposition of the fourth class likewise would be placed under the main title *Torts*, or some particular main title covering *Torts*, such as *Negligence*, if it involved merely a general question of what constitutes a tort, or some general application of the law of torts to a particular kind of tort. If, however, the point involved is the liability of an infant for torts, it should, under the rule of precedents, be placed under *Infants*.

So with the responsibility of an infant for crimes, his capacity to sue or defend, and his eligibility to hold office. All of these propositions should be placed under *Infants*, rather than under *Criminal Law*, or the particular head covering the particular crime, or under *Actions* or *Parties*, or under *Officers*, or the particular head covering a particular officer. And the rule applies in like manner to other classes of persons and personal relations, such as *Insane Persons*, *Corporations*, *Master and Servant*, and the like.

A more specific illustration of the operation of this rule of precedence is found in the distribution of matter in which the principles of negligence are involved. Negligence, as a tort, is included in category 4. The liability of an infant for negligence, involving as it does personal incapacity, and the liability of a master for negligence as to his servant, involving as it does the personal relation between them, are assigned to topics under category 1, namely, *Infants* and *Master and Servant*. The liability for negligence as to the condition of premises occupied by a tenant, involving as it does duties relative to an estate in property, goes to the topic including that estate, falling under category 2, namely, *Landlord and Tenant*. The liability for negligence of a bailee in connection with the bailed property, involving as it does a contract relation, goes to the topic denoting that particular contract relation, namely, *Bailment*, which, of course, is included in category 3. The same may be said as to all other cases of negli-

gence involving any obligation dependent on personal, property, or contract relations.

As the result of this distribution of specific propositions, there remains to be placed under the main head *Negligence* only cases arising between strangers, independent of rules of law peculiar to classes of persons, species of property, or rights and obligations incident to either, or to contracts relating thereto. General principles of negligence, contributory negligence, and comparative and imputed negligence are included in the topic *Negligence*. The topic *Negligence* includes also, by reason of its precedence over subsequent categories, matters which might otherwise be placed under heads included in those categories; for example, the general principles of actions for negligence, which might be placed under some remedy head in category 6, and criminal responsibility for negligence, which might be placed under some criminal head in category 5, were it not for the rule of precedence.

§ 4. Same—Application of the Rule of Precedence

To illustrate the application of the rule of precedence, as it has been explained above, let us consider the following cases.

(1) A married woman, whose husband was in jail, pending an appeal from a conviction of murder, procured, at her husband's request, a revolver, and conveyed it into the jail, and gave it to him. Can she be held criminally liable as for aiding an escape?

It is to be noted that the woman is a married woman, and was acting at her husband's request. Therefore she was presumably under coercion of her husband. Since the question in the case involves the responsibility of a person for crime, it might be supposed that the case would be digested under the head describing the particular crime, namely, *Escape*, which falls in the category CRIMES. Further analysis, however, shows us that the real question is the responsibility of a married woman for her criminal acts, performed under the coercion of her husband. Consequently it is plain that her responsibility of the crime depends upon her status. Applying, then, the rule of precedence, it would seem that this question would be found digested under the personal head describing this status, namely, *Husband and Wife*, which falls in the category PERSONS.

(2) A., who owns an automobile, loaned it to B., who desired to take some friends out for a ride. B. ran the automobile at a reckless rate of speed, as a result of which, in turning a corner, he ran the machine into a ditch, breaking one of the axles, and otherwise damaging the machinery. Can A. recover for the damage to the machine?

The point involved in this case is the liability of the borrower of the automobile for his negligence, which resulted in injury to the machine. This fact might impel the investigator to look under the title *Negligence* which falls in the category TORTS. It is seen, how-

ever, that the question involves the liability of a person belonging to a particular class, namely, a bailee. Moreover, the liability of the bailee, if any, depends upon his relation to the owner of the automobile, and this relation is one of contract. The rights and liabilities of bailees are digested under the head *Bailment*, which falls in the category CONTRACTS. Consequently, if we again apply the rule of precedence, we must look under the title *Bailment* for cases involving this question, rather than under the head of *Negligence*, because the category CONTRACTS precedes the category TORTS.

§ 5. Same—Exceptions

The rule of precedence is subject, of course, to exceptions, as it is not to be applied contrary to established usage or considerations of practical convenience. For example, the capacity of an infant to contract marriage should, under the rule, be placed under the title *Infants*. Usage, however, has placed it under *Marriage*. The capacity of a person of any class—infant, married woman, insane person—to make a deed or contract is, by the rule and by usage, placed under the title including the class of persons—*Infants, Husband and Wife, Insane Persons*. Analogy and the rule would also place there the capacity of such person to make a will; but usage has placed it under the title *Wills* and it is apparent that such matter, especially in cases of insane persons, cannot be separated conveniently from questions of testamentary capacity and undue influence affecting the making of wills.

§ 6. Distinction between General and Specific Main Heads

One of the most important corollaries growing out of the rule of precedence is the rule governing the distribution of matter between such general heads as *Contracts, Pleading, Evidence*, and the like, and the specific contract heads such as *Deeds*, or a specific remedial head, such as *Replevin*, or the remedial subdivision of a substantive head, such as *Insurance*.

A large digest covering the whole body of the law may properly contain many statements of general principles which are obviously to be placed, and therefore to be looked for, under general heads. The same may be said regarding a state digest purporting to cover all of the state reports. Theoretically, however, a digest is but an index of the points actually decided in the cases, accompanied by such statements of principles and facts only as are necessary to the correct understanding of the points. The points should be stated in a concrete form, and no more broadly than the facts of the several cases warrant. It will often be found on investigation that a paragraph which, at first glance, it may seem proper to place in some particular topic as a concrete example of the application of the law relating to that specific subject, in fact illustrates the application of a general

principle applicable alike to many other subjects. To determine whether such paragraphs are of a general or a concrete nature is one of the commonest difficulties of the digester, and one in which uniformity of practice is the most difficult to attain.

Naturally, it is extremely difficult to lay down any exact and definite rules to guide the investigator that will cover all the possible difficulties that arise in determining whether he is to search for authorities in a general or a specific head. A few general principles however, suggest themselves—principles which depend for their existence on the scope and character of the different topics.

(a) *Matters Relating to Contracts*

Contracts, as the term indicates, is a title very general in its scope. It includes all questions relating to the requisites, validity, and construction of contracts generally, such as necessity of certainty, of mutuality, of proposal and acceptance, of execution and delivery, of consideration, the necessity and validity of assent, matters of fraud, mistake, and duress, legality of object, and general rules of construction. Cases involving the common-law rules as to the validity of contracts in restraint of trade are also digested under *Contracts*, though cases arising under special statutes, anti-trust laws, etc., are digested under *Monopolies*. There is also included under *Contracts* a mass of matter relating to specific contracts for which no specific head is made.

The principal difficulty of the investigator arises when the proposition under investigation relates to a kind of contract for which a specific head is made, and he has to determine whether the law applicable thereto will be found under *Contracts* or the specific head. Obviously, to answer the question, it must first be determined whether he is searching for a general rule applicable alike to all contracts, or is trying to discover if the general rule, conceded to exist, is applicable to the particular contract, in view of the peculiar facts connected therewith. For instance, if the investigator wishes to find decisions stating the general rules of construction of contracts, he should turn to the title *Contracts*. But if his question is whether the general rules of construction are applicable to a policy of insurance, the law must be looked for under the topic *Insurance*. Similarly the general rule that mental incapacity avoids the contract will be found under *Contracts* but the incapacity of an insane person, an infant, or an habitual drunkard to contract will be found under the appropriate head. So, too, while the general rules that must be observed in the execution of contracts will be found under the general topic, the proper execution of a note or a deed will be found under *Bills and Notes* or *Deeds* as the case may be.

As was said above, there are a number of contracts for which no specific head has been made, as, for example, building contracts. The law relating to these contracts is important, and could well have been

given a specific head; but, since it was not, questions relating to such contracts must be looked for under the general topic.

(b) *Matters Relating to Pleading and Practice*

Probably the most common difficulty experienced by the practitioner arises where the point under investigation involves a question of pleading, evidence, or trial practice, and he is called on to determine whether he should search one of the general practice heads or the particular head covering the action or the subject-matter. The general rule governing such cases is that if the point involved is merely the application of a general rule of pleading or of evidence, etc., it should be looked for under the main head *Pleading* or *Evidence* as the case may be. If, however, the point is one which from the peculiar nature of the allegations or the facts could arise only in the particular form of action, or in relation to the particular subject or cause of action, the law must be searched for under the particular head. This rule is based on the fact that there are certain general principles relating to form, to amendment, to verification, to filing and service, to the effect of variance, to methods of raising objections and curing defects, that are applicable to all pleadings, no matter what may be the nature of the action. The law relating to these matters is to be found under the topic *Pleading*. But as to some of these features the point might be dependent wholly on facts which could arise only in a particular action. In that case the law should be looked for under the particular head.

To illustrate: The general proposition that the evidence must conform to the pleadings and that evidence to prove something entirely different from the allegations is not admissible, will be found under *Pleading*. But if the action is on an insurance policy, and the question is whether under an allegation of waiver of proofs of loss and performance of all other conditions by the insured, a waiver of the clause limiting the time of bringing action on the policy can be proved, the law will be found digested under *Insurance*. So far as the head *Pleading* is concerned, it may be said that generally nothing is placed under the head that can possibly be placed elsewhere without actually violating fundamental principles of digesting.

A good illustration of the use of general and specific heads is shown in the distribution of digest matter between the topics *Indictment and Information* and the topics designating specific crimes. *Indictment and Information* is, of course, the general pleading head for criminal matters. Now, suppose that a statute provides that all indictments shall be signed and verified by the county attorney. It is clear that a decision passing upon the sufficiency of the indictment in view of this statute should be classified to *Indictment and Information*, though the particular indictment involved was an indictment for larceny. On the other hand, suppose that the indictment was for the larceny of a

watch, a ring, and a chain, and the question was whether the value of the articles should be charged in the aggregate or separately for each article. Clearly such a question could arise only in an indictment for larceny, and a proposition involving the sufficiency of the indictment in that respect must be looked for under the topic *Larceny*.

A problem very similar to that presented by *Pleading* confronts us when the question is one of the admissibility of evidence. Certain questions are regarded as of such general application as to justify always placing them under the topic *Evidence*. Thus, where the point involved is one of judicial notice, the admissibility of declarations, parol, hearsay, best and secondary, or opinion evidence, the matter must be looked for under *Evidence*. So, too, the presumption of facts that might arise in any action or the burden of proof as to such facts will be found under *Evidence*; but the presumption or burden of proof as to particular facts will be found under the specific title. Relevancy and competency of facts to prove other facts—as, for instance, questions of *res gestæ*—will be found under *Evidence*, though, of course, the relevancy of particular facts to prove particular issues must be looked for under the particular head. As an illustration of this, let us take this proposition:

“In an action for damages for an assault, is evidence of a wordy quarrel between defendant and plaintiff’s husband immediately preceding and leading up to the acts constituting the assault admissible?”

At first blush it would appear that the law on this proposition would be digested under *Assault and Battery*; but the thoughtful investigator would ask himself on what possible ground evidence of a controversy with one not a party to the suit could be relevant, and would conclude that it could be admitted only on the theory that it was so intimately connected with the main controversy as to constitute part of the *res gestæ*. This would point to *Evidence* as the proper head.

The topic *Trial* proves a stumbling block in the pathway of some practitioners. Of course, such matters as the course and conduct of the trial, methods of introducing proof, order of proof, and arguments of counsel, are so obviously general in their nature as to cause no trouble. But when the proposition involves some question of instructions, or the province of court and jury, a difficulty arises. The rule in such case is, however, the simple one applied in other instances. General propositions as to the form of instructions, necessity of requests, and necessity that instructions should be applicable to the pleadings and the evidence, are found under *Trial*. The propriety of instructions on particular facts, which could arise only in particular actions, must be looked for under the specific title.

On the other hand, a real confusion exists where the question is one of necessity and time of making objections. Obviously, if the question is merely whether it is necessary to make objection, or whether

the objection must be made at a certain time to be available at all, it would be found under *Trial*. But, if the question is as to the necessity of the objection or the necessity of making it at a certain time to render it available on appeal, it would seem that, theoretically at least, it should be found under *Appeal and Error*. Unfortunately the courts are often very vague in the statement of the point involved and the grounds for the decision. The result is that the matter is often split between the two heads without apparent reason. The only solution of this difficulty is to refer to both topics.

Another general head which presents some interesting questions is *Limitation of Actions*. This topic covers cases arising under statutes of limitation, as, for instance, cases arising under statutes prescribing the limitation of actions on written instruments for the payment of money, of actions on accounts, and the like. Matter relating to special statutes prescribing a special limitation for a particular action goes to the particular topic. For instance, a paragraph construing a statute providing that actions for libel must be brought within one year will be digested under *Libel and Slander*; but if the paragraph construed the statute providing that actions for torts must be brought within three years, it would be placed under *Limitation of Actions*, though the action in question was one for libel.

An exception to this rule is found when the action is for wrongful death. The application of general statutes is digested under *Death*, on the theory that, as the action is purely a statutory one, any matter which affects the right of action should be digested under that head. The general head also contains all matters relating to the tolling of the statute, whether a general or special statute.

Limitation by special agreement will, of course, be found under the particular head, as, for instance, in the case of insurance policies; the construction and operation of such agreement being found under *Insurance*.

(c) *Matters Relating to Constitutional Law*

A typical illustration of the application of the rule as to the use of general and specific heads is presented by the distribution of matter involving questions of constitutional law. The main head *Constitutional Law* is emphatically a general head. As such it includes general provisions as to the adoption and amendment of constitutions, the construction, operation, and enforcement of constitutional provisions, and the distribution of the powers and functions of government. There are, too, a number of constitutional provisions intended to secure the general civil and political rights of citizens—as, for instance, those guaranteeing life, liberty, and the pursuit of happiness; those forbidding the impairment of vested rights or of the obligation of contracts; those forbidding the passage of retrospective and ex post facto laws; those forbidding the granting of special privileges; those for-

bidding the deprivation of life, liberty, or property without due process of law, etc.

These provisions are general in their nature, and obviously objections based on the violation of such provisions might be raised to statutes relating to almost any subject. Decisions adjudicating the question whether any particular statute or mode of procedure violates one of these provisions of the constitution are to be looked for under *Constitutional Law*, and not under the particular topic which covers the particular subject-matter.

There is, however, another class of provisions which are specific in their nature, which relate to specific powers and functions. Of these, familiar examples are the provisions relating to the right of trial by jury, to the exercise of the power of eminent domain, and to taxation. These provisions are specific, and are applicable only to statutes or acts relating to specific subjects. Decisions adjudicating questions which involve these particular provisions are therefore to be found under the particular heads. To give a concrete illustration, a decision in which the question at issue was whether a certain statute or mode of procedure violated the constitutional guaranty of the right of trial by jury would be digested under *Jury*. But if the question at issue was whether a statute, which it was conceded affected the right to a jury trial, was objectionable as depriving the person of life, liberty, or property without due process of law, such point would be digested under *Constitutional Law*.

Similarly, decisions involving the constitutionality of statutes relating to such subjects as taxation, the power of eminent domain, or the right to the writ of habeas corpus, if based on the particular constitutional provisions on such subjects, are digested under the specific heads—*Taxation*, *Eminent Domain*, *Habeas Corpus*. But, if the decisions were based on one of the general provisions of the Constitution already referred to, they are digested under *Constitutional Law*.

(d) *Same—Police Power*

An apparent exception to this rule is to be found in the method of placing a matter involving the exercise of the police power; but the exception is only apparent. The police power is only an implied power. It is not granted by any particular clause of the constitution. Therefore under the head of *Constitutional Law* will be found only the general principles relating to the exercise of the police power and the nature and scope of the power. Specific instances of the exercise of the power will be found under the specific heads. For example, a paragraph laying down the general principle that legislation prescribing regulations under which only persons possessing certain qualifications shall be admitted to the practice of a profession or calling requiring special skill is a valid exercise of the police power of the state for the protection of the public against unskillful and incompe-

tent persons, is properly digested under *Constitutional Law*. On the other hand, a paragraph involving the specific application of the general principle to the effect that it is within the police power of the state to impose reasonable restrictions on the practice of dentistry would be digested under *Physicians and Surgeons*.

(e) *Matters Relating to Statutes*

Decisions involving the application of the constitutional provisions relating to the enactment of statutes, provisions relating to the titles of acts, forbidding local and special laws, and the like, are digested under *Statutes*, because, as between the head *Constitutional Law* and the head *Statutes*, the latter is a particular or specific head. But in its relation to other main heads *Statutes* is itself a general head; and the question often arises whether that head or one of the other specific heads should be searched for the construction of particular statutes. The title *Statutes* is intended to cover all general questions of the enactment, requisites, and validity of statutes, the compliance with the special constitutional provisions, and general questions of amendment. The topic also includes the general principles of implied and express repeal; but the repeal of a particular statute by another particular statute covering the same general subject will be found under the particular head. Similarly as to the construction of statutes, while the general rules of construction and the construction of words which may and do occur in all statutes are included under the general head, the construction of particular words which occur only in statutes relating to particular subjects is to be found in the particular topic.

Thus the proposition that the word "may," as used in a statute, should be construed as "must" or "shall" under some circumstances, is digested under *Statutes*; but if the statute relates to the regulation of druggists, a decision defining the word "druggist," as used in the statute, would be digested under *Druggists*.

§ 7. **Same—Illustrations of Use of General and Specific Heads**

To illustrate the application of the rule as to the use of general and specific heads, let us consider the following cases:

(1) A. agreed to run and saw a certain quantity of logs for B. The logs were to be placed in A.'s wasteway ditch. The contract further provided that A. should run and saw the logs with due diligence and as fast as the stage of water would permit. In an action by B. for a breach of the contract, whereby A. delayed sawing the logs and allowed them to remain in the wasteway ditch until they became sappy and wormy, A. set up as a defense that the delay was caused by the breaking of his dam. Was this a good defense under the contract?

The defense set up in this case involves the construction of the clause in the contract requiring A. to saw the logs with due diligence.

Ordinarily, the general proposition of construction of contracts is to be found under the title *Contracts*, which, of course, is a general head. In this statement of facts, however, we have a problem as to the construction of a particular kind of contract—a logging contract. Consequently, as there is a specific head covering this kind of contracts, namely, *Logs and Logging*, we must go to that head, rather than the general one of *Contracts*, for our proposition.

Moreover, this case illustrates the application of the rule of precedence. *Logs and Logging* belongs in the category PROPERTY; whereas, the head *Contracts* falls in the category CONTRACTS. As the category PROPERTY precedes the category CONTRACTS, the rule of precedence would require us to look under the property head, rather than under the contract head, for this proposition.

(2) A. executed and delivered to B. a promissory note in consideration of the promise by B. to refrain from prosecuting A.'s son for forging and passing a note on B., and to conceal all his knowledge of the forgery from the officers of the law. B. having brought action on the note, A. pleaded that the note was void, because given in consideration of the compounding of a felony. Is this a good defense?

The fact that the controversy here arises over the validity of a promissory note might influence the investigator to the belief that such cases would be digested under *Bills and Notes*. However, reflection will show us that the principle invoked to escape liability on the note is the general principle that contracts in consideration of the compounding of offenses are void. Consequently, a proposition of this kind would be found digested in the general head of *Contracts*, rather than under a head designating a specific kind of contract, as the principle is applicable to all contracts.

§ 8. Use of Substantive and Remedial Heads

Another important application of the rule of precedence is found in the distribution of matter between the remedial and the substantive heads. The main heads, though classed under one category, the one to which the most important phase of the subject-matter of such topic relates, might, when considered in another aspect, be classified in another category. This is particularly true when the heads are considered as embodying, not only the substantive law, which defines the rights which it will aid, but also the adjective law, which provides methods of aiding and protecting the rights defined. For instance, *Fraudulent Conveyances* includes, not only the substantive law as to what constitutes a fraudulent conveyance and the rights of the parties and third persons thereunder, but also the form of the remedy and the procedure available to set aside such a conveyance. So *Trover and Conversion* is classed in the category TORTS, though it almost wholly is a remedial head; only the first subdivision dealing with substantive law. Similarly some heads classed in the category of REME-

DIES contain divisions which deal with phases of the law partaking of a more or less substantive character, as, for example, the topic *Homestead*.

There are, however, a number of heads that are so far remedial that the substantive law which may reasonably be looked for therein is reduced to a minimum. Of this nature are the heads *Ejectment*, *Replevin*, and others which will readily come to mind. There is a tendency on the part of some investigators to regard the form of the remedy as the determining factor in classification, and to be guided in their search for authorities on purely substantive questions by the fact that the action was *Ejectment*, or *Replevin*, or some other similar remedy.

From the rule already laid down as to precedence of topics and as to the use of general and specific heads, it is obvious that such a method of search is utterly at variance with any logical theory of classification. The rule of precedence requires that a point relating to a personal, a property, or a contract right should be placed under a personal, a property, or a contract head, irrespective of the form of action in which it arose. So, too, all strictly remedial heads, though specific in so far as the procedure is concerned, are, as to the personal, property, or contract right involved, of a general nature, and matter relating to such rights is therefore excluded under the rule.

For example, adverse possession may be the foundation of the right of action, or of the defense, in ejectment. Clearly, the question whether adverse possession may be availed of as giving a right to maintain ejectment, or as a defense to such action when brought by another, is purely a question of procedure, and to be sought for, therefore, under *Ejectment*; but it is just as clear that the question as to the nature and duration of the possession necessary to raise the presumption of title by adverse possession must be determined in the same manner and by the same rules, whether raised in an action of ejectment, or of trespass to try title, or of trespass quare clausum. Consequently, decisions on that point must be sought for under the topic *Adverse Possession*. Similarly the rights of a mortgagee of chattels may be an issue in an action of replevin or in attachment. Certainly it is not to either of these heads that we would turn for decisions relating to such rights, but rather to *Chattel Mortgages*.

Pursuing this subject a step further, it is clear that, if the question is whether replevin will lie to recover a certain kind of property, we must search *Replevin*. But suppose the question is whether a certain article may be the subject of ownership; that is, may be "property." The fact that the question arose in an action of replevin will not determine the classification. For example, that was the question involved in the Iowa meteor case (*Goddard v. Winchell*, 86 Iowa, 71, 52 N. W. 1124, 17 L. R. A. 788, 41 Am. St. Rep. 481), and the case

is properly digested under *Property*. Though a question whether a pew holder has such a property right in the pew that he may maintain an action against one who disturbs him in his possession must be looked for under *Property*, if the question was whether trespass was a proper remedy, the point must be searched for under *Trespass*. Of course, if the question refers to a specific kind of property for which a head is provided in the digest scheme, such as *Animals*, we must go to that head, rather than to the general head of *Property*.

§ 9. Same—Illustration of Use of Substantive and Remedial Heads

To illustrate the application of the rule as to the use of substantive and practice heads, we may consider the following cases:

(1) A., while out hunting, discovered a wild deer and pursued it. By a lucky shot he succeeded in wounding it, and continued the pursuit until he ran the deer down and managed to secure it alive. He tied the deer to a tree while he went in search of some articles he had dropped, intending to come back and lead the deer home. During his absence the deer was discovered by B., who took it away. Can A. maintain replevin for the deer?

A superficial examination of this statement of facts might influence the investigator to adopt the theory that the question involved here was the right to maintain replevin for the deer, which would probably impel him to search the practice head *Replevin* for authorities on the subject. A little reflection, however, would show him that the real principle involved here is, not merely whether replevin will lie for the deer, but whether A. had such property in the deer as entitled him to maintain an action to recover possession thereof. Consequently, the proposition should be looked for, not under the practice head, but under a substantive head covering the right of property, namely, *Animals*.

Of course, it is obvious that this case also shows the distinction between the general and specific heads. Questions as to what things are the subjects of property are to be found generally under the general head *Property*. But, as there is a specific head provided for the law relating to all sorts of animals, propositions involving the right of property in animals go to the specific, rather than the general, head.

(2) A statute provides that the action of replevin may be maintained for "goods" unlawfully taken or detained from the owner thereof. B. took from the possession of A. certain cattle. A. brought replevin, and B. pleaded in defense that the cattle were not repleviable. Is this a good plea?

It is evident that the question presented here is whether cattle are "goods," within the statute referred to. As this is a statute dealing

specifically with the action of replevin, it is evident that the question here is, not whether cattle are "property," but whether they are "goods," within the meaning of this statute, giving the right to replevy goods. Consequently the point involved is one of replevin, and not the general one of what constitutes property. Therefore this proposition would be looked for under the practice head *Replevin*, and not under the head *Animals*.

This case also illustrates the use of general and specific heads. Construction of statutes generally would go to the title *Statutes*, but in this case we have the construction of a specific statute, namely, a statute relating to the right to maintain replevin. Consequently the cases involving the construction of this statute are digested under the specific head *Replevin*, and not under the general head *Statutes*.

§ 10. Same—Substantive and Remedial Subdivisions of Topics

Similar rules determine the classification of propositions between the substantive and remedial subdivisions of any particular topic. Nearly all main topics contain remedial subdivisions covering the actions to enforce the rights or liabilities treated in the substantive portion of the topic. If there are subdivisions for actions generally and for actions to enforce particular rights, the rule as to the distribution of matter between specific and general heads becomes applicable. For instance, actions on a policy of insurance go to subdivision XVIII of the topic *Insurance*; but, as there is a special subdivision for contracts of reinsurance, actions on such contracts go to the specific subdivision, rather than the general subdivision of actions.

The mere fact that a paragraph construes an instruction does not place it in the remedial subdivision. For instance, a proposition to the effect that it is proper to instruct the jury that a breach of warranty avoids the policy of insurance, irrespective of the knowledge and intent of the insured, is a mere statement of the substantive law, and should be looked for in the substantive subdivision covering the effect of a breach of warranty, rather than in the subdivision covering actions on the policy.

Very often a paragraph will state that a complaint reciting certain facts states a cause of action. This, again, is merely a statement of the substantive law that the facts recited are the basis of the right or liability which is the subject of the topic, and such paragraph should, therefore, be looked for in the substantive subdivision. The same may be said of paragraphs reciting the facts, with a holding that the evidence was sufficient to sustain the verdict. If, however, the paragraph recites contradictory facts, with a similar holding, it must be construed as passing on the weight of evidence, and will be found under the proper black letter line in the remedial subdivision.

(a) *Illustration*

To illustrate the rule of the distribution of matter between substantive and practice subdivisions of a topic, we may consider the following cases:

(1) In an action against a railroad company for personal injuries received by plaintiff while he was walking on a railroad track, the court instructed the jury that a plaintiff was guilty of contributory negligence if he was walking on the track and neither looked nor listened, if by looking and listening he could have discovered an approaching train in time to have avoided it. Is this instruction an invasion of the province of the jury?

This statement of facts might be regarded as involving the question of what constitutes contributory negligence. But it is easily seen that the question really involved here is whether such an instruction invaded the province of the jury. That is to say, the real question here is whether contributory negligence is a question for the jury or for the court. Consequently this proposition, since it involves the propriety of such an instruction, considered as an instruction, would be found under the practice subdivision of the title *Railroads*.

Moreover, this case illustrates the use of the specific, rather than the general, head. The question whether an instruction invades the province of the jury would ordinarily go to the topic *Trial*, but in this case the principle is applied to a condition of facts which could arise only in an action against a railroad company, namely, whether walking on a railroad track without looking or listening constitutes contributory negligence. Therefore the proposition should be looked for under the practice subdivision of the title *Railroads*, rather than under the general title *Trial*.

(2) In an action brought by a servant against his master for personal injuries alleged to be due to defective machinery, the court instructed the jury that an employer is not bound to furnish the latest, newest, best, or safest appliances, but is required to use only ordinary care in selecting and providing reasonably safe and suitable machinery. Is such an instruction proper?

It is true that this question takes the form of an instruction to the jury. This might influence the investigator to the belief that, since it involved the propriety of an instruction, it should be looked for under the practice subdivision of the topic *Master and Servant*. However, a moment's reflection shows that the real question here is, not so much the propriety of the instruction, as an instruction, but whether the instruction states the true rule of law governing the relations of master and servant; that is to say, the substantive question of the extent of the master's responsibility as to furnishing safe appliances. This shows that a proposition of this kind must be looked for under the substantive subdivision of the topic *Master and Servant*, namely, division III,

subd. (B), rather than the subdivision which deals with actions for the injury.

§ 11. The Basic Principle

If the reader has closely followed the explanation of the three rules governing the distribution of digest matter, he must have noticed that the one basic principle underlying all three of the rules is the principle that all digest paragraphs are classified according to the principal subject-matter involved. Consequently, in searching for particular propositions, regard must be had to the principal subject-matter of such proposition.

Suppose, for example, the investigator is interested in a proposition involving the validity of a mortgage given by a married woman on a mining claim. Now the rights and powers of married women are treated under *Husband and Wife*. All matters as to the requisites and validity of mortgages are treated under *Mortgages*. The law relating to mining claims is to be found digested under *Mines and Minerals*. If the question involved in the supposed proposition is the validity of a mortgage given by a married woman—that is to say, if the proposition turns on the fact that it was a married woman who gave the mortgage—then the law would be found under *Husband and Wife*. If the proposition turns on whether the mortgage, considered as a mortgage merely, was properly executed and valid, the law would be found digested under *Mortgages*. If, however, there is a law or statute governing mortgages of mining claims, and the question turns on the validity of the mortgage as the mortgage of a mining claim, because of this particular law or statute, then the law relating thereto would be found digested under *Mines and Minerals*.

§ 12. Importance of Careful Analysis of Facts

From what has been said regarding the scope of the various topics and the rules governing the distribution of digest matter thereunder, it has probably impressed itself upon the reader that the word of distributing digest matter among the 412 main topics of the Standard Classification Scheme calls for the exercise of most discriminating judgment on the part of the digester. It may also occur to him that the correlative of this proposition is true—that to find in the digest the law governing any particular proposition presupposes that the investigator has carefully analyzed his proposition, so as to determine the exact principle of law involved.

As illustrating the necessity of careful analysis in distributing the matter, so that a correspondingly careful analysis will lead the investigator to it, let it be supposed that the proposition laid before the digester is this: "A landowner may use reasonable and necessary force in expelling a trespasser." This seems to be a declaration of a general principle of law that should go to *Trespass*, since it asserts

a remedy of a landowner against a trespasser; but, on second thought, the digester would probably realize that courts do not take cognizance of the use of force as an affirmative remedy available to private persons in the assertion of their civil rights. Further analysis suggests that the principle stated must be an excuse or justification pleaded by the landowner, when charged with the wrongful act of using force against a person—that is, when charged with assault. The proposition is, therefore, classified under *Assault and Battery*.

Though the importance of careful analysis was insisted upon as a preliminary step in the use of the descriptive word method of finding authorities, it is evident that analysis is much more important if it is attempted to locate authorities by the classification scheme. This method cannot be successfully applied unless the investigator knows the real principle of law which governs his facts; whereas, in the use of the descriptive word method, a provisional hypothesis is usually sufficient. The use of the classification scheme, therefore, presupposes a more complete knowledge of principles, a more careful and thorough analysis of facts, and a keener discrimination in the application of the principle to those facts.

§ 13. Application of Principles of Classification in Finding the Law

Having given the reader a general survey of the principles of digest classification, it may be well to illustrate by a concrete case the method of using the classification scheme to locate a line of authorities.

Let us suppose that the brief maker desires to find authorities which will govern the following facts:

A boy 18 years old, in a city where he was not known, being practically destitute and out of work, sent a telegram to his parents requesting them to send him money. The telegraph company was negligent in the transmission and delivery of the message, as a result of which the delivery was delayed, and the boy was put to great inconvenience and suffering. He brought an action for damages for the negligence of the telegraph company in its handling of the message. The telegraph company pleaded in defense that the action could not be maintained, as the boy had not complied with the stipulation in the contract, printed on the message blank, requiring claims for damages to be presented to the telegraph company within 60 days after the filing of the message for transmission. The question is whether this is a good defense.

It is very clear that the problem presented here is whether the infant is liable on his contract for the transmission of this message. The ordinary rule is that an infant is not liable on his contracts, but among the exceptions is this: That an infant is liable on contracts for necessities. Consequently the question here is whether the con-

tract for the transmission of the message was a contract for necessities, on which an infant would be liable.

Applying the rule of precedence the brief maker must conclude that the law relating to infants' contracts will be digested under the personal head *Infants* rather than under the contract head *Contracts*, for the reason that the title *Infants* falls in the category PERSONS, whereas the title *Contracts* is in the category CONTRACTS. He turns, therefore, to the title *Infants* in the Decennial Digest (vol. 10). Going to the analysis at the beginning of the topic he finds that it is subdivided into seven subdivisions, as follows:

- I. Disabilities in general.
- II. Custody and protection.
- III. Property and conveyances.
- IV. Contracts.
- V. Torts.
- VI. Crimes.
- VII. Actions.

Applying the rule as to the use of substantive and practice subdivisions of the topic, he determines at once that, as the question involved is one of substantive law, and not of practice, his authorities will be found under Division IV, Contracts, rather than under Division VII, Actions. He therefore examines the analysis under Division IV, and discovers that section 50 covers the question of liability of an infant on his contracts for necessities. He turns, therefore, to that section, and discovers a number of cases dealing with what constitutes necessities, and among them the case of *Western Union Telegraph Co. v. Greer*, 115 Tenn. 368, 89 S. W. 327, 1 L. R. A. (N. S.) 525, covering the point involved in his statement of facts.

CHAPTER XVIII

DIGEST CLASSIFICATION—STANDARD CLASSIFICATION SCHEME—
DISTRIBUTION OF MATTER AMONG RELATED TOPICS

- § 1. Introduction.
 2. Negligence Topics.
 3. Master and Servant.
 4. Railroad Group.
 5. Matters Relating to Marriage Relation.
 6. Matters Relating to Infants.
 7. Matters Relating to Public Officers.
 8. Matters Relating to Corporations and Other Associations.
 9. Crimes and Criminal Law.
 10. Matters Relating to Political Subdivisions.
 11. Miscellaneous Topics.

§ 1. Introduction

Though the Standard Classification Scheme is thoroughly logical and in theory simple, yet in dealing with the enormous body of case law, with the ever-increasing variety and complexity of the applications of principles to facts, the practical use of the scheme, simple and logical as it is, has given rise to difficulties that may well bother even the most expert digester. It is impossible to anticipate all the difficulties that will arise to confront the student or practitioner in his search for authorities on any given point. It is, therefore, difficult to select, *a priori*, particular topics as to which special explanation may be regarded as necessary. There are, however, certain groups of topics which, because of their relation to each other, may cause confusion in the mind of the investigator. This relation may arise when some of the topics of the group are actually subdivisions of one general branch of law, or when the subjects are merely analogous.

2. Negligence Topics

One of the most interesting of these groups is the group of negligence heads, which, for this purpose, may be regarded as including not only *Torts* and *Negligence*, but also all heads involving personal relations calling for the exercise of care and diligence on the part of one party to avoid injury to the other party—such as *Carriers*, *Master and Servant*, etc. As to the main heads *Torts* and *Negligence*, since both belong to the same category, the rule of precedence does not apply. Both heads relate only to strangers, and the distinction between them is one of definition only. *Torts* involves the idea of intentional wrong, while *Negligence* involves only the idea of lack of care, though it may be willful. Like *Negligence*, *Torts* is confined to general principles and instances where no personal relation imposing special duties exist. Specific torts, such as assault, libel, or trespass, are excluded and placed under the specific heads. So, too, torts by particular per-

sons, such as *infants* and corporations, or liabilities arising by reason of particular personal relations, such as that of master and servant, are placed under the specific heads.

Regarding *Negligence* as the type of the group—as the general head—and following the rule of precedence, it is evident that propositions involving negligence of a railroad company or a street railway company must go to the specific head. But if the railroad company is involved in its capacity as a carrier of passengers, its liability for negligence towards the passengers goes to *Carriers*. If it bears to the person injured the relation of an employer, the liability for the negligence causing the injury goes to *Master and Servant*. Assume that the negligence results in the death of the person injured. The main topic *Death*, though placed in the category PERSONS, since it covers the presumption of death and survivorship and similar questions relating to the person, is a composite head, in that it covers actions for wrongful death. Negligence resulting in death, it would seem, should therefore go to the main topic *Death*. But in this aspect *Death*, like *Negligence*, is a general head. It covers only general principles and liability for wrongful death as between strangers. If the negligence was that of a railroad company, the proposition would be digested under *Carriers* if a passenger was killed, under *Master and Servant* if an employé was killed, and under *Railroads* if the person was killed while on or crossing the tracks. Similarly, where the person was killed by an explosion of gas, a proposition as to the liability of the gas company will be digested under *Gas*. Though *Death* is a general head, it is as to *Negligence* a specific head, and general questions of negligence, though arising in an action for wrongful death, will be found under *Negligence*.

In this connection attention might be called to the fact that, though the main head *Aliens* covers the right of an alien to sue, the right of an alien to maintain an action for wrongful death, if based on a statute relating to such actions, is placed under *Death*. Negligent killing, constituting manslaughter, is found under *Homicide*, though the general criminal responsibility for negligence is under *Negligence*.

The main title *Master and Servant*, as a receptacle of propositions involving negligence of the master towards his servant, also includes cases involving injuries to seamen, if the point is decided on general principles. If, however, the case is governed by rules peculiar to maritime law—as, for instance, the admiralty rule as to the division of damages where both parties are negligent—the matter will be digested under *Seamen*. If the point relates to liability for injury to a longshoreman, it will be digested under *Master and Servant*, if the action is against an independent contractor who is the employer. If, however, the action is against the vessel under the admiralty rules, the point will be digested under *Shipping*.

§ 3. Master and Servant

While we are considering the topic *Master and Servant*, we may well refer to its scope as a contract head. While the topic covers the relation of master and servant generally and the express contract of employment, the implied contract is covered by the main topic *Work and Labor*. In the topic *Work and Labor* is also included any questions as to the effect of an express contract on the right to recover on a quantum meruit. Contracts for specific work, not involving a hiring of services, are covered by *Contracts*.

§ 4. Railroad Group

Another group of topics is that which includes *Railroads*, *Street Railroads*, and *Carriers*. *Railroads* may be regarded as the general topic in this group. It covers all matters as to the organization and management of railroad corporations, and the construction, maintenance, and operation of railroads. The scope of the topic *Street Railroads* is apparent from the title. If, however, the railroad company or the street railroad is involved in its relation as a carrier of passengers or goods, the matter is covered by the topic *Carriers*. Carriage of passengers or goods in vessels, if the proposition involves the application of principles of the maritime law, is placed under *Shipping*; but, if the principle involved is one of general application to all classes of carriers, the proposition will be digested under *Carriers*, though the particular carrier was a vessel. Express companies and palace and sleeping car companies are, of course, regarded as carriers within the topic.

§ 5. Matters Relating to Marriage Relation

The group of topics relating to the marriage relation presents no particular difficulties. The marriage contract in general, its nature, creation, proof, and annulment, are covered by the main head *Marriage*. The breach of the promise to marry is covered by the main head *Breach of Marriage Promise*, and, of course, the requisites and validity of the agreement to marry, the breach of which is the ground of action, is also included in this head, though the requisites and validity of the contract of marriage is placed under *Marriage*. In this connection it may be remarked that seduction under promise to marry, whether regarded as a tort or a crime, is covered by the main head *Seduction*; but seduction as an aggravation of damages for breach of promise to marry is placed under *Breach of Marriage Promise*. The rights, disabilities, and liabilities incident to the marriage relation are covered by the main head *Husband and Wife*. This topic also includes contract and property rights; but rights of dower and of curtesy are excluded, specific heads being made for those subjects. The criminal offense of abandonment by the husband is included in *Husband and Wife*; but the right to, and grounds of, and actions

for, divorce are covered by the head *Divorce*. The main topic *Husband and Wife* also covers actions for alienation of the affections and for criminal conversation, which is the civil liability for adultery. Adultery as a ground for divorce is placed under *Divorce*, but as a public offense is covered by the head *Adultery*.

§ 6. Matters Relating to Infants

Another group of topics dealing with the domestic relations is that represented by *Infants*, *Parent and Child*, and *Guardian and Ward*. The main head *Infants* covers all questions relating to persons not of full age, regarded as individuals, their rights and disabilities, judicial control of their persons and property, and legal proceedings concerning them. The guardianship of the persons and estates of infants, whether by nature or under parental or judicial appointment, is covered by *Guardian and Ward*. But questions which relate to the rights, powers, duties, and liabilities of parents and children between themselves, or as to third persons dependent on the existence of the relation, go to *Parent and Child*. The creation of the relation by adoption, and the particular rights incident thereto, is covered by *Adoption*. The status of illegitimate children is relegated to the topic *Bastards*. Particular wrongs and offenses, though affecting the parental relation, are covered by specific heads, such as *Abduction*, *Seduction*, and the like.

Some difficulty may arise when the question as to the right to the services of the child arises. The right of a parent to the services of his minor child is digested under *Parent and Child*; but generally the right to the services of an adult child is digested under *Work and Labor*—the right, if it exists, being implied from the relation. If, however, there is an express contract, the proposition would, of course, be found under *Master and Servant*.

§ 7. Matters Relating to Public Officers

The group of topics which includes the general topic *Officers* and specific heads relating to particular officers, affords illustrations of the application of the fundamental rules of classification. For example, propositions involving the appointment, qualification, and tenure of officers generally, their rights, duties, and liabilities—questions which apply to all officers—are digested under the general title *Officers*. Propositions relating to particular officers, represented by specific heads, are digested under such specific heads—*Judges*, *Sheriffs and Constables*, and the like. There are, however, numerous officers not represented among the special heads, such as Secretary of State, county treasurer, and mayor of a city. Matters relating to such officers are placed under the main heads denoting the political subdivisions to which the officers respectively belong—namely, *United States*, *States*, *Counties*, *Municipal Corporations*, etc., as the case may be.

The group also illustrates the rule of precedence in this: While matters relating to a particular officer, such as judges, will be digested under the main head *Judges*, the question whether a particular remedy is applicable to a particular officer goes to the head designating the remedy; that is to say, whether mandamus will lie against a judge will be found under *Mandamus*.

§ 8. Matters Relating to Corporations and Other Associations

The group of main topics which includes *Corporations*, *Partnership* and other heads designating associations of individuals, presents but few peculiarities. As a rule the scope of each topic is accurately represented by the definition of the term used as to title. The topic *Associations* is a general head covering unincorporated associations, while associations founded for particular purposes are covered by specific heads. If the association has a capital stock divided into transferable shares, it is covered by the topic *Joint-Stock Companies*. The main head *Clubs* covers both incorporated and unincorporated associations organized for social or other purposes, not for pecuniary profit, and not of a specifically educational, charitable, or religious nature. Associations for the purpose of furnishing mutual aid, pecuniary or otherwise, are covered by *Beneficial Associations*; but mutual benefit associations organized for the purpose of mutual insurance are covered by the topic *Insurance*, and labor unions by *Trade Unions*.

§ 9. Crimes and Criminal Law

The most important group of topics includes those covering criminal subjects. Of this group the general head is *Criminal Law*, which covers all questions of criminal practice except indictment and information and a few special remedies. The topic stands in the same relation to specific crimes as the general civil practice heads, *Evidence*, *Trial*, *Appeal and Error*, and the like, stand to the specific topics other than criminal. Matters which are general in their nature—principles applicable to all criminal proceedings—are placed under the general head. Except as to pleas of defendant which are covered by one of the subdivisions of the main topic *Criminal Law*, the pleading head for criminal matters is the topic *Indictment and Information*. Its scope corresponds to the scope of the civil head *Pleading*. For example, suppose a statute provides that the prosecuting attorney must sign and verify all informations. As the statute does not refer specifically to any crime, it is apparent that it applies, no matter which crime the information charges. Therefore for the construction of such statute you would look under *Indictment and Information*, though your case is a prosecution for larceny. But suppose your case involves the larceny of three articles, a watch, a chain, and a ring, and your question is whether the value of the articles taken must be charged in specific items or in the aggregate. Obviously such a question could not

arise in homicide, or forgery, or arson, but only in larceny. Consequently for decisions on such proposition you must look under *Larceny*.

There are a number of special statutory crimes for which no special heads are provided, and which are covered by special subdivisions under substantive heads otherwise civil. For instance, criminal responsibility for violation of health regulations is placed under *Health*, a topic which also covers the substantive law of a civil nature. But the mere fact that a statute makes a special application of the penalty to a particular class of persons does not remove it from the ordinary criminal head. For instance, though by statute embezzlement by a bank officer is specifically defined, cases involving such an offense would be found under *Embezzlement*. On the other hand, the offense committed by a bank officer by receiving deposits after knowledge of insolvency, no matter by what name it is called, is covered by *Banks and Banking*. The offense of malicious burning of buildings is covered by *Arson*; but burning a building for the purpose of defrauding an insurer is digested under *Insurance*.

Returning for a moment to the topic *Criminal Law*, attention may be called to a feature which does not seem to agree with the general theory as to the scope of the topic. Except in so far as the question of former jeopardy is concerned, the effect of an adjudication in a criminal proceeding is digested under the head *Judgment*. This question, it is true, usually arises in civil cases; but a few criminal cases will be found in which the question was involved, though in no way connected with the principle of former jeopardy.

§ 10. Matters Relating to Political Subdivisions

The group of topics designating the various political subdivisions may need a few words of explanation. So far as the topics *United States*, *States*, and *Territories*, are concerned, their scope is fairly indicated by the scope-note. The only difficulty that might arise is in regard to the topic *Municipal Corporations*, and its relation to such topics as *Counties*, *Towns*, etc. Technically counties and towns (using the term "town" in the sense of township) are municipal corporations, and it might therefore be supposed that the topic *Municipal Corporations* is the general topic of this group, while *Counties* and *Towns* are specific heads. Such, however, is not the fact. By common usage, even among lawyers, the term "municipal corporations" is almost always meant to designate only incorporated cities, villages, and the like; and this limited meaning is the one attached to the term when used as a digest head in the Standard Scheme. So propositions relating to bonds issued by cities, towns, or counties, though involving the legal principles of a general character applicable to such bonds, whether issued by a city, a county, a town, or a school district, will nevertheless be distributed under *Counties*, *Towns*, *Schools and School*

Districts, or *Municipal Corporations*, as the power issuing them is a county, a town, a school district, or an incorporated city or village.

While we are considering the scope of the head *Municipal Corporations*, it may be well to call attention to another feature of the topic which brings it into relation with *Highways*. The main head *Highways* covers, not only the establishment and construction of highways, but also the regulation and use thereof for purposes of travel. A city street is, of course, a highway, just as much as is a country road. The topic *Highways*, however, covers only propositions relative to the establishment and use of roads outside of the limits of the city. Propositions dealing with the use of city streets for purposes of travel, though such use is governed by identically the same principles as the use of a country road, are placed under *Municipal Corporations*.

The topics designating political subdivisions, *States*, *Counties*, *Municipal Corporations*, etc., bear also to the topic *Taxation* a relation which needs some explanation. The topic *Taxation* is a general topic, and covers the whole subject of general taxation—the power to tax, subjects of taxation, and levy, assessment, and collection of taxes. More particularly does it relate to taxation for the general purposes of the state. On the other hand, taxation for local and special purposes, the power of a county, a town, or a city to levy taxes for its own special and local purposes, is covered by the specific heads. So, too, taxation for such special purposes as highways, levees, drains, and the like, is covered by the main heads *Highways*, *Levees*, *Drains*, etc.

§ 11. Miscellaneous Topics

The reasonableness of the fundamental rules for the distribution of matter among general and specific heads may be conceded. But it may be asked wherein lies the necessity for making special heads of subjects which are in effect mere subdivisions of other general or specific topics. Why, for instance, is *Collision*, made a specific head, while all other maritime torts find a place under *Shipping*? Why, when there is a general head covering *Inspection*, should inspection of food be placed under *Food*, or inspection for the protection of public health be put under *Health*, both being designed for the same purpose?

For the purpose of having reviewed a decision of the trial court against you, you are about to prepare your bill of exceptions, and desire to look up the law as to settling and signing the bill. As this is a proceeding in preparation of an appeal or writ of error, you perhaps expect to find the law under *Appeal and Error*; but instead you find a cross-reference to the effect that such matter is under the main head *Exceptions, Bill of*, and you naturally ask why. The reason for the existence of many of these special heads is easily given. In probably a large majority of instances they have been made because there is such a large amount of matter relating to the particular subjects

that to place it under one of the general or allied heads would render such heads topheavy and result in carrying the process of subdivision to an impractical extent. This, at least, explains why *Collision* is taken out of *Shipping*, and why other specific subjects have been taken out of general heads and specific heads made to cover them. Such, too, was the theory on which *Exceptions, Bill of*, was made a head. While in such a digest as the Century, such a division of the matter was perhaps convenient, it is entirely unnecessary in smaller annual and state digests. It has been retained in the American Digests for the sake of uniformity, but has been combined with *Appeal and Error* in some smaller digests compiled on the Standard Scheme.

Inspection, as a main head, covers only the examination and certification of quality by public authority of articles of merchandise, to determine their fitness for use, etc., principally, to prevent frauds. Regulations for the protection of public health are covered by *Health*, to secure purity of articles of food are covered by *Food*, but the criminal offense of adulterating food is covered by the main head *Adulteration*. It may be of interest to note that from *Inspection* is carefully excluded inspection in a general sense—that is to say, inspection of writings or of the person; such matters being treated under *Discovery, Damages, Trial*, and the like, according to circumstances.

Analogous to *Inspection* is the main head *Licenses*. This covers licenses for occupations and pursuits for which no specific head is made; but licenses for particular occupations, etc., represented by specific heads, are covered by such heads, as, for example, *Attorney and Client, Innkeepers, Theaters and Shows*. But *Licenses* is a composite head. Besides occupation licenses, it also covers the matters relating to the permission given by owners of real property to persons having no estate therein to do some act thereon.

As was remarked at the outset, it is impossible to anticipate all of the difficulties that will confront the investigator in his search for authorities by the principles of classification. A small volume might easily be written in explanation of the theory of classification and its practical application to the making of digests. The explanation of the theory of the Standard Classification Scheme given in Chapter XVII and in these pages covers only the general principles. The thoughtful investigator, by a study of the scope-notes and definitions of the main titles to be found in the Century or Decennial Digest, comparing the various titles, and observing their relations to each other, may discover for himself most of the important distinctions by which the classification of digest matter is governed. Such study is earnestly recommended to the reader.

PART III

USE OF DECISIONS AND
STATUTES

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CHAPTER XIX

AUTHORITY IN GENERAL—IMPERATIVE AND PERSUASIVE AUTHORITY

- § 1. Introduction.
2. Sources of Material.
3. Distinction Between Statutes and Decisions.
4. Selecting and Valuing Material.
5. Interpretation of Decisions.
6. Authority.

§ 1. Introduction

The preceding chapters of this volume have been devoted to what may be called the mechanical side of brief making—to the description of the deposits of raw material, the tools by which that material is to be mined, and the method of using those tools.

In the chapters comprising Part I—Chapters I to VI, inclusive—the reader was given a specific description of the sources and repositories of the law and of the books that he must use in finding the law. In Part II—Chapters VII to XVIII, inclusive—the various methods by which the different classes of books may be used to the best advantage were described in detail, for the purpose of showing the brief maker how to extract from the various sources and repositories of the law, the particular information he may at any time desire as material for his brief.

We are now to take up the third part of the problem, which involves the questions of how to select, weigh, and value the material thus obtained, preparatory to the actual work of synthesis—the combining of the several elements into the complete and finished brief.

As an introduction to this branch of the subject, it is desirable to review briefly, and from a somewhat different point of view, a few of the more important facts that have been developed in the preceding chapters.

§ 2. Sources of Material

It was pointed out at the very beginning of the volume that the books to be examined by the brief maker may be divided, as regards their relation to the foundation of the law and to one's means of learning the law, into three classes—original, or primary, sources,

secondary sources, and search books. Certainly no one would speak slightly of treatises, encyclopædias, digests, and similar aids in learning the law; but no one would conceive that they make the law, or even help to make it—save, indeed, as they may tend, in the absence of imperative authority, to persuade the Legislatures or the courts to follow them—or even that they are the most authoritative means for ascertaining what the law now is. Consequently, as was said at the outset, they must be classed as secondary sources. As to search books it need only be repeated that they are not to be regarded as authority in any sense whatever. The only primary sources are decisions and direct legislation, and it now becomes necessary to explain the chief resemblances and differences between these two primary sources of law.

§ 3. Distinction between Statutes and Decisions

Direct legislation is found in constitutions, statutes, and ordinances. These three classes differ in several ways, and especially in usually being adopted respectively by popular vote or constitutional conventions, by national or state legislative bodies, and by city councils or other bodies of narrow jurisdiction; but the three classes have in common three characteristics which for the present purpose are the most important, namely: (1) That they frankly purport to originate law; (2) that they usually mean this new law to govern future transactions only; and (3) that they are embodied in definite terms, which seek to indicate, with as little opportunity for dispute as possible, exactly what general rule is meant to be created. There is no one name invariably and exclusively appropriated to the three classes of direct legislation. All three are sometimes included indiscriminately under the term "statutory law." The term "written law" is perhaps more frequently used, by lawyers at least.

The primary source of our knowledge of law which is distinguished from direct legislation is judicial decision. There is a dispute among theorists upon the question whether judicial decisions actually make law. The dispute is interesting and important, but it has no real bearing upon the matter we are considering, namely, the question of ascertaining how to use decisions, since one uses decisions in precisely the same manner, whether he believes that they make law, or simply that they demonstrate what the law is. In other words, no one doubts that the existence and the terms of a great part of our law can be proved in no other way than by ascertaining how the judges have decided specific cases.

Although the decisions are usually reduced to writing, and finally form the volumes of reports, they are said to constitute the unwritten law—an apparent inconsistency in nomenclature, upon which it is unnecessary to dwell just now.¹

¹ See chapter I, § 3, *supra*.

§ 4. Selecting and Valuing Material

In the case of statutes, some hints as to the methods of weighing and valuing have already been given in Chapter VII where the general subject of the necessity of examining the statutes as a step preliminary to the search for precedents was discussed. Further discussion of this phase of the brief maker's work will be made the subject of a future chapter. But as judicial decisions furnish the greater part of the lawyer's skill, fill the greater part of his library, and consume the greater part of his time when he is preparing a brief, it is with judicial decisions that our discussion of the subject of selecting and valuing material will deal first.

The importance of exercising great care, discrimination, and judgment in the selection of authorities cannot be too greatly emphasized. It is not every statement of law by the courts that bears the stamp of authority. Not even every decision possesses authoritative influence. Out of the mass of decisions, and the statements contained in them, the brief maker must select those that possess real authority, and to do this he must know how to distinguish between those that are authoritative and those that are not, and, as to those that are authoritative, he must learn to weigh and value them, in order to select those of the greatest value.

Already in Chapter XV, the brief maker has been given a few hints as to certain mechanical aids in valuing authorities. It remains, however, to treat the subject from the legal, and consequently from the logical and scientific, viewpoint.

§ 5. Interpretation of Decisions

The cases decided by the courts are authority in subsequent litigation, either because the facts in the decided cases are like those in the case at bar, or because the principle laid down in the decided cases is applicable to the variant facts on which the subsequent litigation is based. Though, as already intimated, the value of decisions in some of their aspects may be determined by purely mechanical aids, in the last analysis the value of a decision is seen to depend on and to be determined by two classes of factors—the one internal and the other external.

The internal factors by which the value of a decision is determined, are (1) the intrinsic nature of the expressions or statements of law in the case; and (2) the relation these bear to the points in litigation. These factors may be determined only by a careful analysis of the case, for the purpose of discovering the doctrine of the case and its relation to the facts.

The external factors by which the value of a decision may be determined are (1) the nature and standing of the tribunal pronouncing the decision; and (2) the nature and standing of the tribunal to be influenced thereby. These factors are determined from a considera-

tion of the circumstances under which the case was decided, or the circumstances under which it is used as an authority.

This brings up again the whole question of what is meant by the word "authority." Notwithstanding the fact that, in previous chapters, there has been a more or less extended discussion of the meaning of this word as applied to law books, it seems desirable, in order that the reader shall thoroughly understand the discussion that follows, to explain what is meant by the word "authority," *as applied to the decisions* of the courts and the statements contained in such decisions.

§ 6. Authority

In Chapter I, §§ 7-11, and Chapter V, §§ 2 and 11, we discussed at some length the distinction between primary and secondary authority, and between imperative and persuasive authority. We also explained briefly the distinction between these two classes of authority. But that discussion and explanation related to the use of the terms in connection with books, rather than their use in connection with the contents of the books, though some reference was also made to that phase of the subject by way of illustration.

As we are now to deal with the contents of the books—the actual language used by the Legislatures in their enactments, or, what is more important in this connection, the actual language used by the courts in their decisions—it is necessary to discuss a little more specifically the exact meaning of the word "authority," and the distinction between imperative and persuasive authority, especially as applied to decisions.

Speaking in broad and general terms, statutes and decisions are said to be of primary authority; that is to say, original sources of the law. So, too, speaking in broad and general terms, we may say that they are of imperative authority. But they are of imperative authority only under certain circumstances and conditions. As was said in the preceding section, these circumstances and conditions may be either internal or external.

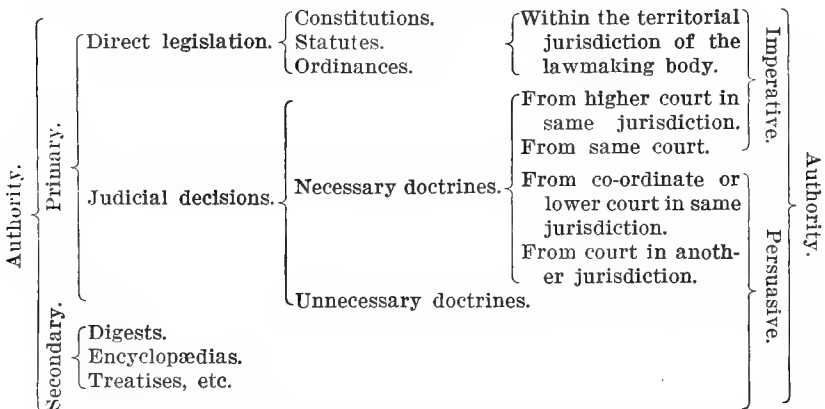
So far as statutes are concerned, these circumstances and conditions are usually external; that is to say, the authority of a statute does not rest so much on its contents as on the circumstances of its enactment and conditions subsequently arising. Its authority may also be affected by the circumstances of its use. A statute is imperative authority in the state of its origin; but a statute of Indiana, for example, would not be even persuasive authority in Michigan, unless, under the peculiar circumstances of the litigation, a case being tried in Michigan is governed by the law of Indiana, in which case the statute of Indiana would be imperative authority.

In the case of decisions, authority is dependent on both the internal and external conditions to an almost equal degree. The authority of a decision, as will be pointed out in a subsequent chapter, depends

very largely on the circumstances under which it was pronounced, and quite as much on the circumstances under which it is to be invoked by the brief maker. The status of statutes under the circumstances under which it is invoked has been pointed out in general terms above, but decisions stand on a different footing. A decision of a state court is, of course, imperative in the court pronouncing it and in any inferior court of the same state or jurisdiction in which it was pronounced. If a case being heard in one of the courts of Michigan is, under the circumstances of the litigation, governed by the law of Indiana, a decision of the Supreme Court of Indiana would by the weight of authority be imperative authority in the Michigan court. Otherwise, the decision of the Supreme Court of Indiana would be merely persuasive authority in the courts of Michigan. So, too, the decisions of a court, even within the state in which they were pronounced, are merely persuasive authority in a co-ordinate or higher court of that state.

These external circumstances and conditions which affect the status of decisions as authority, as already said, will be taken up in detail hereafter.

The accompanying diagram may help the student to understand the distinction between the various kinds of authority.



As already stated, a decision may be imperative authority, or it may be persuasive authority; that is to say, it is imperative authority within the jurisdiction of the court pronouncing it. Outside such jurisdiction it is still primary authority, but is only persuasive, since it cannot bind the courts of other jurisdictions in passing upon later cases. But the authority of a reported case, even in the state or jurisdiction where it was pronounced, and so where it is of imperative authority, depends quite as much on internal conditions; that is to say, on the nature of the statements contained therein, especially in their relation

to the facts of the case. Although such a case, if considered as a whole, is imperative authority, it will often contain many statements of law which, however accurate, are not imperative authority, but are merely persuasive.

Generally speaking, the authority of a decision is limited by the facts—the actual controversy calling forth the decision. A statement of the law necessary to the decision of the controversy exhibited by the facts is imperative authority. Any statement of the law not made necessary by the controversy is merely persuasive, and the degree of persuasiveness will depend on the nearness of its relation to the controversy.

The imperatively authoritative portion of a decision we call the doctrine of the case. Those statements that are of persuasive authority only are designated by the generic term of “dicta,” and the decision becomes a precedent to be followed in subsequent litigation only in so far as it is of imperative authority. Consequently it is of the utmost importance to be able to distinguish between those portions of a reported case that are of imperative authority and those that are of merely persuasive authority. It is this problem that will be made the subject of the next three chapters.

CHAPTER XX

DECISIONS AS PRECEDENTS—DOCTRINE OF THE CASE

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§ 1. Introduction

The purposes for which the brief maker desires to find decided cases like the case at bar are two. He wishes to find cases supporting some definite principle of law, which he has selected as the principle governing the case at bar, and he wishes, also, to find cases which apply that principle to facts as nearly like the essential facts in the present case as possible. While most of the reported cases are authority for some proposition of law, the brief maker will find comparatively few that are suitable for citation as authorities, supporting the specific application of principle to facts which underlies his theory of the case. Hence, out of the large number of cases discovered in the course of his search for authorities, he must select a few that are really authorities in point. This involves not only a thorough knowledge of the facts of the case under investigation, but it requires a thorough analysis of the cases to be relied upon as authority, for the purpose of discovering the principle on which they are decided, and a comparison of their facts with the facts in the case at bar, to determine whether the principle thus discovered is applicable to the present case. A third step is to determine whether the case is authority in the abstract sense—that is to say, whether it really has any weight or value as a judicial expression. All of these investigations call for a careful analysis of each case and a consideration of the circumstances under which it was decided.

§ 2. Decisions as Precedents

In law a precedent is an adjudged case or decision of a court of justice, considered as furnishing a rule or authority for the determination of an identical or similar case afterwards arising, or of a similar question of law. The only theory on which it is possible for one decision to be an authority for another is that the facts are alike, or, if the facts are different, that the principle which governed the first case is applicable to the variant facts.

The explanation of the weight to be attached to a judicial decision as a precedent for future cases may be found by examining the reasons for the existence of a court, and the functions necessarily, or at least naturally, performed by it.

The law, obviously enough, is simply a system of rules created by society as a substitute for violence, with the utilitarian purpose that the life of the community may be peaceful and productive. The courts are established to administer the law in disputes between individuals, and also in instances where an individual is complained of by the community. When the rule of law governing the rights of the parties has been established by a legislative body, the duty of the court is merely to apply such rule of law, after first determining—with or without the intervention of a jury, as the rules of procedure may dictate—whether the facts are such as to render the law applicable. Yet even when no legislative body has supplied a rule of law governing the case, the case must be disposed of in some way. In other words, it is part of the judicial duty to decide every case that actually arises. The existence of this duty is the first step in the chain of argument showing the value of judicial decisions as precedents—in other words, as binding proofs of the existence and terms of general legal propositions.

The next step in developing the value of judicial decisions as precedents is the necessity that each decision shall be based upon a general principle. If the decision is not conceived to be based upon a general principle, there is no rule, no law, and the decision is merely arbitrary. The absence of principle cannot prevent the decision from being binding as between the parties—much as an agreement to settle a dispute by the tossing of a penny might be deemed binding—but the absence of principle in deciding litigated cases strikes any one as unscientific, unjust, and dangerous; for the result of any case not governed by a general principle may easily be dictated by caprice, prejudice, or injustice. The old boast of the Medes and Persians that their law did not alter meant, apparently, that their judicial system was no respecter of persons, and that consequently the result in one case would be precisely the same as the result in another. At any rate, such must be the boast of any nation wishing to be considered enlightened. It follows that, in searching for a general rule justifying and requiring a decision about to be pronounced, a judge is performing a function

which is absolutely necessary, and that this is true even though there is no written law governing the very case.

Thus far the discussion of the nature of judicial decisions is obvious; for in no country would it be denied that a court must decide all actual cases brought before it, and that the decisions must be made in accordance with some general principle. At this point, however, there arises an opportunity for a difference of opinion, or at least for a difference of expression; for, as the next step in the argument, it is necessary to assume that in some present litigation the court makes a decision which is in accordance with some general principle not found in the written law, and it is then necessary to inquire what effect this present decision should have upon future independent litigations. Will the principle underlying this present decision be accepted as properly controlling future cases, or will each future case, though substantially identical in its facts, be treated as if the principle of law ought to be discovered *de novo*?

(a) *Theory of Common Law and Civil Law Contrasted*

The answer of American law and of all other systems based upon the law of England is that the principle underlying the present decision will be deemed of imperative authority, controlling the decisions of like cases in the same court or in lower courts within the same jurisdiction, unless and until the decision in question is reversed or overruled.

Quite different, in form, at least, is the answer of the law of each nation on the continent of Europe, and indeed of all systems based upon the old law of Rome; for in the so-called civil-law countries each court must in each separate litigation examine each question of law *de novo*, although it is conceded that past decisions, being the work of learned men, should have a persuasive effect, resembling, and certainly not exceeding, the effect of treatises.

In actual practice, the two views appear to be approaching each other, the courts of common-law countries, by reason of the multiplicity of decisions and of jurisdictions, tending to give increased attention to discussions of theory as distinguished from mere precedent, and the courts of civil-law countries, for the same reason, tending to give increased weight to the fact that a question of law has been presented to numerous courts and has been habitually decided in one way. Be that as it may, it is still the theory of common-law countries that decisions, within certain limits, are of imperative authority.

§ 3. The Authoritative Element of a Decision

From what has been said it is obvious that the reason why a decision becomes a precedent which will control subsequent litigation and is of imperative authority is that it is to be regarded as evidence of an existing rule or principle of law, which rule is applicable, not merely

to all cases in which the facts are absolutely like those in the original case, but to other cases in which the facts are more or less widely variant therefrom. On the other hand, a case may be cited as authority only for the particular principle of law which was held to govern the rights of the parties and to determine the judgment given in that case. It follows, therefore, that the principle dictating a decision is extremely important, being in its effect analogous to a proposition of law enacted in a statute. This proposition, rule, or principle of law, applied in a case and of the existence of which such case is regarded as evidence, is called the "ratio decidendi," or the doctrine of the case.

§ 4. Ratio Decidendi

The ratio decidendi of a case is the underlying principle, the legal reason, which caused the case to be decided as it was decided. Obviously it is not necessarily the point decided in the case. The concrete point decided is limited strictly to the facts of the case, and is binding only on the parties to it or their privies; whereas the ratio decidendi has the force of law as regards the world at large. The ratio decidendi is, consequently, usually broader than the point decided, though sometimes, in extracting and expressing the point decided, the expression of the point may be in the form of the ratio decidendi.

The ratio decidendi may or may not be explicitly set forth in the opinion of the court. Sometimes it is assumed, and the reasoning of the court is directed to the application of the rule to the special state of facts before it. On the other hand, the rule is sometimes categorically or broadly stated. But, whether stated in so many words or not, the fact remains that underlying every decision there must of necessity be some principle; that in every decision there is necessarily involved some proposition of law, without which the judgment in the case could not have been given. It is this principle or proposition that is the ratio decidendi.

§ 5. Determining the Ratio Decidendi

As the lawyer who contemplates using a certain case in his brief, who intends to rely on the case as a precedent, must carefully ascertain the principle underlying the decision—that is, the ratio decidendi which constitutes its authoritative element—it is necessary to explain where this element must be looked for, and the rules by which it is to be discovered. We must, therefore, consider, first, in what part of a decided case the ratio decidendi is to be found; and, second, the general rules for the analysis and interpretation of decisions.

§ 6. Parts of a Reported Case

The complete report of a case will usually contain the following elements: (1) The title, showing the names of the parties; (2) the syllabus or headnote, in which the reporter indicates the points decided; (3) the statement of the facts out of which the controversy

arose; (4) sometimes a synopsis of briefs of counsel; (5) the opinion, or statement of reasons for the decision; (6) the decision, or determination of the rights of the parties; (7) the judgment, or formal order entered as a result of the decision.

Very often one or several of these elements may be wanting—as in the case of memorandum decisions, in the reports of which there appear no headnote and no opinion. In some instances the headnote is prepared by the court and takes the place of the opinion.

Let us examine these elements more in detail.

(a) *The Title*

The title of the case gives the names of the parties, and usually indicates whether they are appellants or respondents. The title does not, however, necessarily indicate the position of the parties on the trial below. In some states the names of the parties as they appeared below are transposed on appeal, if the defendant is the appellant. For example, if the action was brought by A. against B., the title in the trial court would be A. v. B. If, however, judgment was for A., and B. appealed, the title on appeal in some states would become B. v. A.

The states in which the position of the parties in the title of the case change on appeal are Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Maryland, Mississippi, Ohio, Oklahoma, Texas, Virginia, and Wyoming. In Tennessee, the parties change in actions at law, but not in suits in equity. In Nebraska and Wisconsin, the parties change on writ of error, but not on appeal. In all other states there is no change of parties, except that in New Jersey the parties change on appeal to the Court of Errors and Appeals, but not on appeal to the Supreme Court.

(b) *The Syllabus, or Headnote*

The syllabus, or headnote, is designed to give a brief statement of the propositions of law decided in the case. Of course, to be really serviceable, as showing the real doctrine, it should be concrete; that is, it should show the application of the principle of law to the facts. The headnote is sometimes prepared by the judge, but more often by the reporter.¹ Generally speaking, unless there is a constitutional provision to that effect, the judges cannot be required to make syllabi. This question was raised in *Ex parte Griffiths*, 118 Ind. 83, 20 N. E. 513, 3 L. R. A. 398, 10 Am. St. Rep. 107. The Constitution of Indiana provides that the Supreme Court shall give a statement in writing of each question arising in the record, and the decision of the court thereon, and, after providing for the reporting of the decisions, declares that no judge shall be allowed to report such decisions. A statute was passed making it the duty of the Supreme Court to make a syllabus of each opinion. It was held, however, that this act was un-

¹ See, also, Chapter III, § 4 (b).

constitutional, as the Legislature cannot impose ministerial duties on the court, or add duties to those devolved upon them by the Constitution. Nor can the Legislature, in violation of the constitutional provision, require the judges to discharge essential duties of the reporter. So in *Re Headnotes to Opinions*, 43 Mich. 641, 8 N. W. 552, it was held that a statute requiring the judges of the Supreme Court to prepare and file a syllabus of each and every opinion was unconstitutional. The Constitution gave the Supreme Court power to appoint a reporter of its decisions, and writing syllabi of the opinions of the court is a recognized duty of such reporter.

In any event, no matter by whom the headnote is made, whether by the judge, the so-called official reporter, or by an independent reporter, it must not be relied on as final authority. It is merely a guide to the doctrine of the case. As was said in *Denham v. Holeman*, 26 Ga. 182, 71 Am. Dec. 198, the headnote to a case is not an expression of the law thereof, except so far as it is warranted by the judgment of the court on the facts of the case. A similar view is taken in *Koonce v. Doolittle*, 48 W. Va. 592, 37 S. E. 644. In both of these states, it is interesting to note that the syllabi are written by the judges.

The reason why the headnote prepared by the reporter should not be relied on is obvious. Like the statements of text-writers, digesters and annotators, the headnote is merely the reporter's statement of the law. These statements are in some instances erroneous. As an example, reference may be made to the first paragraph of the headnote to *State ex rel. Beach v. Citizens' Benefit Association*, 6 Mo. App. 163, which reads as follows: "The business of making assurance upon lives cannot be carried on in this state without the grant of a franchise for that purpose." Because of this statement, the case has sometimes been cited as denying the right of individuals to act as insurers; but an examination of the opinion discloses that the holding was that a corporation cannot exercise the right of making insurance unless it has been incorporated for that purpose, or, in other words, has received a grant of a franchise for that purpose. It is obvious that the reporter, in preparing his headnote, went beyond the facts in the case, and consequently laid down an erroneous principle not contained in the case. Another illustration of erroneous official headnotes will be found in the statements as to the position of the judges in *Stewart v. Cary Lumber Co.*, 146 N. C. 47. The headnote, however, is correct in the report of the case in 59 S. E. 545.

No one can fail to appreciate that the syllabus is of great assistance to the lawyer who is in haste, and that even the most leisurely and scholarly investigator finds the syllabus a useful guide. Yet no one who has had much practical experience thinks of relying exclusively upon the syllabus. The reporter knows that dicta are useful,

and hence he is very likely to overload his syllabus with dicta—too often omitting the warning “dictum,” “it seems,” or “semble.” Again, the syllabus frequently states the facts and pleadings with unnecessary fullness. Finally, the syllabus, overloaded with dicta and with the statement of the case, may leave the reader at a loss to determine what really was the ratio decidendi. These are difficulties found even in syllabi which are accurate, as far as they go, but unfortunately, as pointed out above, some syllabi are simply wrong.

These are reasons enough for the careful practitioner’s unwillingness to rely upon the syllabus exclusively, and, besides, however carefully and skillfully a syllabus may have been framed, it has probably not been framed from the point of view of this present investigation, or with the enthusiastic attention that ought to be exercised by the lawyer to whom this one case may be of paramount importance.

Back of these practical reasons are reasons based upon the line of thought to be hereafter elaborated in explaining how it happens that a case is an authority of an imperative nature for some propositions, and an authority of only a persuasive nature, to say the most, for certain other propositions which are asserted in it quite as emphatically. The syllabus cannot enlarge or diminish the proposition of law which underlies the decision,² and which can be finally and conclusively ascertained only by examining the statement and the result, and by then studying the reasoning in the opinion.

Even though the syllabus be the handiwork of the judge who wrote the opinion of the court, as often happens, the same caution must be expressed, because, even if regarded as a part of the opinion, the judge’s own syllabus is mere dictum, in so far as it departs from the ratio decidendi as determined in accordance with the explanation now given.

The practical result of these considerations as to syllabi is that the competent lawyer uses the syllabus as a *prima facie* guide, and no more, in determining whether the case should be examined carefully as an authority for or against him. Moreover, he must always verify the syllabus by an examination of the opinion, if the headnote indicates that the case will serve his purpose.

(c) *The Statement*

The purpose of the statement is to show the problem which was presented to the court for solution—the particular controversy that was adjudicated. It is sometimes prepared by the reporter, and some-

² As has been pointed out elsewhere, the syllabi of a case in effect constitute an index or digest of that case, and bear the same relation to the case that a state digest does to the entire case law of the state, or that the American Digest System does to the American case law. This is true without regard to the official or other status of the editor. His work must stand or fall upon its merits, and can acquire no vicarious authority of any kind.

times by the judge writing the opinion. Indeed, it is quite commonly embodied in the opinion as an introduction. Whatever be its source or form, it should show the form of the action, the facts on which the action arose, the disposition of the case by the trial court, and the manner in which it was brought into the appellate court. If any question of practice is involved, there should be a sufficient recital of the procedure to make the point clear. The statement is, of course, an important part of the report, because, in determining the doctrine of the case, the principles must be related to the facts.

(d) *The Argument*

The theory on which a brief of the argument is included in the report of a case is that it shows what points were in the mind of the court in arriving at its decision, and will aid in determining the value of the decision in respect to thoroughness of consideration. In a case of first impression, a full report or even a well-edited abstract, of the argument, would, of course, be valuable, but the brief abstract sometimes included in the report is of little or no value. For this reason it is seldom included in reports nowadays.

(e) *The Opinion*

The opinion, as said in *Adam v. Yazoo & M. V. R. Co.*, 77 Miss. 194, 24 South. 317, 60 L. R. A. 33, is the court's statement of the reasoning by which it arrives at its conclusions as to the proper application of the law to the facts of the particular case. It is usually prepared by one of the judges, to whom the case is assigned for that purpose, and, after submission to and discussion by the members of court, it is adopted by them. In some instances, of course, the opinion is not agreed to, and another judge, whose views are in consonance with the views of the majority, writes what becomes the opinion of the court; the first opinion becoming, perhaps, a dissenting opinion. Very often other judges will write concurring or dissenting opinions.

An opinion agreed upon by the whole court or by a majority is termed "the opinion of the court." If such an opinion is anonymous, it is in America termed a "per curiam opinion." In England some of these terms have occasionally a different use, "judgment" being frequently used as a substitute for "opinion," and "per curiam" being sometimes applied to any opinion of the whole court, whether anonymous or not. The difference between the English and American usages is merely a matter of nomenclature, though, of course, an American lawyer finds it extremely convenient to adhere to the American usage.

In the absence of any constitutional provision, a court, even in deciding a litigated case, may refuse to obey a statute which requires an opinion. This point was raised in *Houston v. Williams*, 13 Cal. 34, 73 Am. Dec. 565. It appeared that, on an appeal from a judg-

ment in ejectment, the judgment was reversed by the Supreme Court from the bench; no opinion in writing being handed down. The reasons for the decision were stated orally. Counsel for the appellee afterwards presented a petition asking the court to file a written opinion, calling attention to a statute of California which provided that all decisions given upon an appeal in any appellate court of the state should be given in writing, with the reason therefor.

The court said that no power existed in the legislative department to require such a duty of a court. Its constitutional duty is discharged by the rendition of decisions. The Legislature can no more require the court to state the reasons for its decisions than the court can require the Legislature to accompany statutes with the reasons for their enactment. The principles of law settled are to be extracted from the records of the cases in which the decisions are rendered. While the opinions of judges setting forth their reasons for their judgments are of great importance for the information they impart as to the principles of law which govern the court, and should guide litigants, it is not every case that will justify the expenditure of time that is involved in the writing of an opinion. Many cases involve no unsettled principle, and are appealed only for delay. It can serve no purpose of public good to repeat elementary principles of law which have never been questioned for centuries. The court must exercise its own discretion as to the necessity of giving an opinion upon pronouncing judgment, and, if one is given, whether it should be orally or in writing. In the exercise of that discretion the authority of the court is absolute.

The authority of the Legislature to require the Supreme Court to give the reasons of its decisions in writing was also denied in *Vaughn v. Harp*, 49 Ark. 160, 4 S. W. 751, in *Speight v. People*, 87 Ill. 595, and in numerous later cases.

(f) *The Decision*

The decision is the final conclusion reached by the court as to the application of the law to the facts. Though in a very broad and general sense it might be regarded as the judgment of the court, it is not the formal judgment or decree. It represents rather the result of the case, and may be regarded, perhaps, as an order for judgment in that it determines the actual judgment or decree to be thereafter entered.

(g) *The Judgment or Decree*

The judgment differs from the decision, in that it is the actual formal disposition of the case. For instance, the judgment of an appellate court determines what shall be done with the judgment rendered in the court below.

If the appellate court decides that there was no material error in the proceedings in the court below, the judgment below will be affirmed.

If the appellate court determines that there was material error in the proceedings below, but that all the facts necessary to a proper determination of the controversy are before the court, it will reverse the judgment below and render the judgment the court below should have rendered.

If the appellate court finds material error, and the record does not show a proper determination of matters of fact by the court below, the judgment below will be reversed, and the cause remanded for further trial in the court below.

§ 7. Decision and Opinion Distinguished

From what has been said, it is obvious that the decision must be distinguished from the opinion. As was said in *Houston v. Williams*, 13 Cal. 24, 73 Am. Dec. 565: "The terms 'opinion' and 'decision' are often confounded. Yet there is a wide difference between them, and in ignorance of this, or by overlooking it, what has been a mere revision of an opinion has sometimes been regarded as a mutilation of the record. A decision of a court is its judgment. The opinion contains the reason given for that judgment. The former is entered of record immediately upon its rendition, and can be changed only through a regular application to the court upon a petition for a rehearing or a modification. The latter is the property of the judges, subject to their revision, correction, and modification in any particular deemed advisable, until with the approbation of the writer it is transcribed in the records."

"The opinion of the judge," says the court, in *State v. Ramsburg*, 43 Md. 325, "is an expression of the reasons by which he reaches his conclusion. These may be sustained or contradictory, clear or confused. The judgment or decree is the fiat or sentence of the law, determining the matter in controversy, in concise, technical terms, which must be interpreted in their own proper sense." So in *Durant v. Essex County*, 74 U. S. (7 Wall.) 107, 19 L. Ed. 154, it was said that the reason for the signing of a decree is no part of the decision or judgment itself. The decree, and not the opinion, is the instrument through which the court acts.

The student should remember, therefore, that it is the decision, and not the opinion of the court, which settles the point of law involved and makes the precedent. The decision is the conclusion of the court on the premises, and becomes a precedent for the principle of law which underlies it and which is the *ratio decidendi*. The opinion sets forth the reasons of the determination, and usually states and explains them at greater or less length. The opinion, disclosing the reasons of

the judge for his decision, is, of course, of great importance, for the information it imparts as to the principles of law which influenced the court and were supposed to govern the case, and which should guide litigants. But, even if there is no opinion written or filed, the decision is a precedent for the similar disposition of similar cases, though it is often difficult in such case to determine what principle is involved. In that event, its nature and exact scope are to be ascertained by examining the record, to find the precise point of law which is involved, and considering the judgment given thereon.

§ 8. Authority of Opinion as Distinguished from Decision

As an opinion is not really requisite, though it is customary, desirable, official, and, in short, judicial, the question might be asked "What is its binding force?" In other words, what is the authority of the opinion, as distinguished from the decision accompanied by it? The answer is that as mere opinion the opinion has no authority of an imperative nature, but that it does have such authority in so far as it voices the principle actually dictating the decision.

As judges are a skilled class of a skilled profession, the normal state of affairs is that the opinion phrases accurately and fully the reasoning upon which the decision was based. From such an opinion can be easily framed, possibly even quoted, that proposition of law for which the case is an imperative authority. It is obvious, however, that the opinion may omit the reasoning upon which the decision really rested, or may give reasoning which really had no part in the decision; but these more or less abnormal phenomena may be postponed for the present.

In dealing, then, with the normal example of a reported case, the brief maker determines the *ratio decidendi* by ascertaining what question was taken to the court whose decision is reported, what disposition was made of this question, and what grounds for this decision were expressed by the court. Generally speaking, the authority of a decision as a precedent is limited to those propositions of law which are raised by the record, considered by the court, and necessary to the determination of the case.

§ 9. Principles Assumed by the Court

If the case could not have been decided at it was without the recognition and application of a given rule or principle of law, the decision is an authority for that rule or principle, although it may not have been expressly stated or mentioned by the court, but only tacitly assumed. This fact is referred to by the Supreme Court of Alabama in *Bloodgood v. Grasey*, 31 Ala. 575, in the following statement: "It was contended in the discussion of this case that the only point decided, or in the mind of the court, was that made in the argument. The

result of that position would be to take from judicial decisions, where there is no opinion, the authority of an adjudication upon all propositions which were too plain or too well recognized by the bench and bar to be questioned; and thus the universal and undisputed sanction of a legal principle would become a barrier to proof by judicial decisions of its existence. It betters accords with reason to regard a judicial tribunal as asserting, and intending to assert, every proposition which is indispensable to the conclusions expressed, and necessarily involved in it, at least when the contrary does not appear."

Perhaps this matter can be made more plain by a specific illustration. Let it be supposed that an appellate court reverses a judgment for plaintiff, rendered in the court below, in an action for damages caused by the alleged negligent conduct of the defendant; the particular ground for the decision being that the evidence shows such contributory negligence on the part of the plaintiff as should have prevented a recovery. The fundamental principle of law involved in this decision is that, in actions of this character, the plaintiff cannot recover if it is shown that the accident would not have happened but for his own negligence. Unless this principle were recognized and applied, the appellate court could not render the decision it has rendered. Yet the principle may not be even mentioned in the decision. The opinion may be wholly taken up with a consideration of the facts in the case, as tending to prove or disprove contributory negligence. Nevertheless, the decision will be an authority supporting the general rule as to contributory negligence, because that rule was necessarily involved or implied in the judgment.

§ 10. Questions Not Raised or Decided

Questions which were not raised by the parties, not presented to the attention of the court, and not considered by the judges, are not concluded by the decision in the case, and the judgment is not an authority upon such questions, even though they are logically present in the case, and might have been argued as affecting its decision, and even though such questions, if raised and deliberated upon, would have caused a different judgment to be given.

For example, suppose, on an appeal from a judgment of conviction for murder, among the objections urged and considered by the appellate court are three objections to the form of the indictment. These we will designate as objection A, objection B, and objection C. Now, if the judgment is affirmed, this is to be considered as settling the law as to these three objections only, for they are the only ones raised, argued, and considered, though as a matter of fact the indictment was also open to another objection, D, which, had it been raised and considered, would have caused the judgment below to be reversed, instead of affirmed.

Now, if in another similar case an appeal is taken, and among the objections raised is objection D, to the sufficiency of the indictment, the decision in the former case is not to be considered as an authority to the effect that the indictment in that case was in all respects good and sufficient, but only that it was good and sufficient so far as objections A, B, and C were concerned. In other words, in the later case, the court is not precluded by anything in the former case, from considering the question newly raised, namely, objection D, as still undetermined. The same principle applies to questions which the court expressly leaves open and undetermined, because it deems them unnecessary to the decision of the particular issue before it.

CHAPTER XXI

DECISIONS AS PRECEDENTS—DICTA

- § 1. Introduction.
- 2. Hypothetical Cases.
- 3. Dicta.
 - (a) Obiter Dicta.
 - (b) Dicta Propria.
 - (c) Gratis Dicta.
 - (d) The Test of Dicta.
 - (e) Value of Dicta.
- 4. Unnecessarily Broad Language.
- 5. Two or More Grounds for Decision.
- 6. Two Opposite Holdings at the Same Stage of the Case.
- 7. Several Errors Claimed, and None Found.
- 8. Discordant Opinions Agreeing in Result.
- 9. Opinion Ignoring Point.
- 10. No Opinion.

§ 1. Introduction

In discussing in Chapter XIX the nature of the authority possessed by judicial decisions, it was explained that the authority of a decision depends to a large degree on the nature of the statements of the law contained therein, and the relation of those statements to the facts; that not every statement of law made by the court is imperative authority, but that in nearly every reported case will be found statements that are merely persuasive authority. In this latter class of statements are included all statements not necessary to the determination of the controversy.

In Chapter XX we have been discussing those statements of the law that are imperative authority—the statements which, because of their relation to the facts of the case, underlie and form a foundation for the decision, and give it the force of a precedent. The general rules for detecting these necessary statements—the doctrine of the case—were pointed out. We now come to the consideration of unnecessary statements of law found in the decisions, and in this Chapter we purpose to give the reader a general survey of the rules by which these unnecessary statements—dicta, as they are called—are to be distinguished from the necessary statements.

§ 2. Hypothetical Cases

In tracing the reasons for the imperative authority of judicial decisions as precedents in our system of law, it was pointed out, at almost the starting point of the argument, that, as a court is founded for the practical purpose of terminating controversies, a court must decide every case properly brought before it. From what has been said as to the nature of judicial precedents, it is also apparent that a decision, to be of any force whatever, must be based on the actual facts of the con-

troversy presented. We may go a step further, and lay down the further rule that a court has no power to decide questions not based on actual facts. In other words, it has no power to decide purely hypothetical questions. Indeed, if a court could decide questions that have not yet arisen in actual litigation, and thus could fix a rule for future cases, it would be arrogating to itself a function that is purely legislative. The deciding of actual cases is a judicial necessity, and the various arguments in favor of uniformity of decision give to the doctrine of the actual case, according to our system of law, a force that is quasi legislative; but this quasi legislative power of the judiciary is strictly confined within the limits of the function to which it is incident, and by which it is created—the function of deciding actual cases.

The courts, recognizing that their duty is to decide actual controversies, and not abstract or academic questions, generally refuse to give opinions in advance, even by way of advice to the legislative or executive branches of the government. Thus in 1793, when President Washington requested the opinion of the Supreme Court on the construction of a treaty, the judges refused to comply.¹ In *State v. Baughman*, 38 Ohio St. 455, the court refused to answer certain hypothetical questions raised in an actual controversy, though specially requested so to do. The court said: "If the judiciary were to assume to decide hypothetical questions of law not involved in a judicial proceeding in a cause before it, even though the decision 'would be of great value to the General Assembly' in the discharge of its duties, it would, nevertheless, be an unwarranted interference with the functions of the legislative department, that would be unauthorized and dangerous in its tendency."

A statute imposing on the court the duty of giving opinions on the request of the Legislature was held invalid in *Re Application of the Senate*, 10 Minn. 78 (Gil. 56), as an encroachment on the powers of the judiciary. And subsequently, in *Rice v. Austin*, 19 Minn. 103 (Gil. 74), 18 Am. Rep. 330, the Supreme Court laid down a rule that it would not, at the request of the Governor, or in any case where an act of the Legislature is not involved in matters properly before it for adjudication, give its opinion as to the proper construction of such act.

In many states, however, the Constitutions provide that the Supreme Court shall render opinions on the request of the Legislature or executive. In such instances, of course, the court is bound to comply with such requests. But even in these instances the judges, according to the views expressed in *Opinion of the Justices*, 126 Mass. 557, act, not as a court, but as the constitutional advisers of the other departments of the government. So, too, in *Answer of the Justices*, 148 Mass. 623, 21 N. E. 439, it was said that while an opinion rendered in accordance with the constitutional provision was, in a sense, a prejudg-

¹ 1 Thayer's Cases on Constitutional Law, 175, 176, note, 183 note; Thayer's Legal Essays, 42 note, 54 note.

ment of the question proposed, it did not have the force of an adjudication, which the court would be bound to follow if an actual case involving the same question should come before them.

In Colorado, on the other hand, where the Constitution provides that "the Supreme Court shall give its opinion on important questions upon solemn occasions, when required by the Governor, the Senate, or the House of Representatives, and all such opinions shall be published in connection with the reported decisions of the court," it is held that the opinions have the force and effect of judicial precedents. The reasons for this view are explained in *Re Senate Resolution*, 12 Colo. 466, 21 Pac. 478, where it is said: "By the express words of the corresponding provisions in each of the other states, the questions are limited to questions of law, and the justices, not the court, are to respond. These officers appear to be merely legal advisers, occupying much the same relation to their respective General Assemblies as does the Attorney General of Colorado to the state Legislature. The written responses, when questioned, are not always published in the reports. They are not pronounced by the court, and hence are not technically judicial decisions, nor do they necessarily constitute judicial precedents. In this state, on the other hand, the interrogatories are not expressly limited to questions of law, and it is the court, not the justices, that must answer. For obvious reasons, we hold that the intent could not have been to authorize questions of fact, but our responses must be reported, as are other opinions, and they have all the force and effect of judicial precedents."

Obviously a court will not pass upon a question propounded by private persons, otherwise than as a necessary incident of actual litigation.²

It must be remembered, however, that the construction of a will or the request of a trustee for instructions creates a necessity for judicial decision, even though the occasionally amicable nature of such a suit causes that which is theoretically contentious litigation to resemble the raising of a question by mere collusion.

It is obvious that neither the giving of advice under a constitutional requirement, nor the deciding of a suit of essentially an amicable nature, furnishes an exception to the rule that a court's judicial functions are restricted to the deciding of questions arising in actual litigation. On the contrary, when properly understood, these two instances of the work occasionally performed by courts are useful illustrations—working in opposite directions—of the existence, reason, and extent of the rule.

§ 3. Dicta

The language of a judicial decision is always to be construed with reference to the circumstances of the particular case and the question actually under consideration. As was said in *Cohens v. Virginia*, 19

² *Capen v. Insurance Co.*, 12 Cush. (Mass.) 517 (1853).

U. S. (6 Wheat.) 399, 5 L. Ed. 257: "It is a maxim not to be disregarded that general expressions in every opinion are to be taken in connection with the case in which those expressions are used. If they go beyond the case they may be accepted, but ought not to control the judgment in a subsequent suit, where the very point is presented for decision. The reason of this maxim is obvious. The question directly before the court is investigated with care, and considered in its full extent. Other principles, which may serve to illustrate it, are considered in their relation to the case decided, but their possible bearing on all cases is seldom completely investigated." So in *Carroll v. Carroll*, 57 U. S. (16 How.) 275, 14 L. Ed. 936, it is said that in courts organized under the common law no opinion can be relied on as binding authority unless the case called for its expression. Its weight of reason must depend on what it contains.

A still more specific and detailed exposition of this principle is given in *Louisville & N. R. Co. v. Davidson County Court*, 1 Sneed (Tenn.) 637, 695, 62 Am. Dec. 424, where the court said: "It may not be out of place here to remark, as the subject seems to be so often and by so many misunderstood, that the generality of the language used in an opinion is always to be restricted to the case before the court, and it is only authority to that extent. The reasoning, illustrations, or references contained in the opinion of the court are not authority, not precedent, but only the points in judgment arising in the particular case before the court. The reason of this is manifest. The members of a court may often agree in a decision—the final result in a case—but differ widely as to the reasons and principles conducting their minds to the same conclusion. It is, then, the conclusion only, and not the process by which it is reached, which is the opinion of the court and authority in other cases. The law is thus far settled, but no farther. The reasoning adopted, the analogies and illustrations presented, in real or supposed cases, in an opinion, may be used as argument in other cases, but not as authority. In these the whole court may concur, or they may not. So of the principle concurred in and laid down as governing the point in judgment, so far as it goes, or seems to go, beyond the case under consideration. If this were not so, the writer of an opinion would be under the necessity in each case, though his mind is concentrated upon the case in hand and the principles announced directed to that, to protract and uselessly incurber his opinion with all the restrictions, exceptions, limitations, and qualifications which every variety of facts and change of phase in cases might render necessary."

From the same reasoning that explains the inability of a court to take jurisdiction of hypothetical cases, it follows that, if a court, in dealing with an actual case, proceeds to decide a hypothetical case also, the

treatment of the hypothetical case will be extrajudicial, *ultra vires*, not binding upon the very court or upon any other. Yet it is almost inevitable that the opinion, by way of illustration or exclusion or other discussion, will go beyond the exact needs of the very problem presented to the court.

Therefore in almost every opinion there will usually be found expressions in regard to some point or rule of law not necessary to the determination of the case before the court. They may be put forth as the personal opinion of the judge who delivers the judgment of the court, or may be introduced by way of illustration, argument, or analogy not bearing directly upon the question at issue, or may be statements of legal principles over and above what is necessary to the decision of the controverted questions in the case. In the common speech of lawyers, all such extrajudicial expressions of legal opinion are referred to as "*dicta*," or "*obiter dicta*," these two terms being used interchangeably. In strict propriety of language, however, there are several kinds of *dicta*, not differing in their lack of authoritative force, but differing in their nature or in respect to the manner of their introduction into judicial opinions.

(a) *Obiter Dicta*.

Strictly speaking an "*obiter dictum*" is a remark made or opinion expressed by a judge, in his decision upon a cause, "*by the way*"—that is, incidentally or collaterally, and not directly upon the question before the court; or it is any statement of law enunciated by the judge or court merely by way of illustration, argument, analogy, or suggestion. For example, if the case involves a question as to the law relating to married women, and the judge who delivers the opinion, arguing in support of the conclusion reached by the court, draws an analogy from the law of the contracts of infants, his statement as to infants' contracts is *obiter dictum*, and the opinion cannot be regarded as an authority upon the point referred to, though it might be valuable as indicating how the court would be likely to decide the question, should it come before them in an actual case.

(b) *Dicta Propria*

Dicta of another class are found in the books, which, though they have not hitherto borne a special name, might properly be called "*dicta propria*"; that is, personal or individual *dicta*, the private opinions of the judge who delivers the opinion, not necessarily concurred in by the whole court, and not essential to the disposition of the case at bar. *Dicta* of this kind most commonly occur in the case of an opinion written by a judge who, though he concurs in the general decision as to the rules of law which must govern the case, is not willing to accede to all the reasoning which has led the court to the conclusion reached. And there are also numerous examples of such *dicta* delivered by a

judge who speaks for the court on the general lines of the decision, but incidentally steps outside the record to express his individual views as to some point or question.

(c) *Gratis Dicta*

A third kind of dicta are those which embody statements of legal principle more broad or general than is necessary for the determination of the case before the court, or, after the specific questions involved have been decided, add superfluous expressions of opinion on points or questions not in the record, or lay down rules for similar or analogous cases. These are properly called "gratis dicta," because they make judicial assertions of law over and above what is needed for the particular case. It must be remembered that the question presented to an appellate court is always specific—whether a new trial should be granted or refused, whether the judgment of the court below should be affirmed or reversed, whether or not the writ of mandamus should issue, etc. This question is the one to which the decision and opinion of the court should be directed, and, ordinarily, when this question has been decided, anything that follows is merely gratis dictum, because unnecessary to the decision of the case.

A perfect example of a gratis dictum is found in the important case of *Pennoyer v. Neff*, 95 U. S. 714, 24 L. Ed. 565. In this case the question was as to the validity and effect of a judgment rendered in a state court, against a nonresident of the state, upon a constructive service of process and the attachment of certain property of his within the jurisdiction. It was held that such a judgment, being otherwise regular, would bind the property attached, but not the person of the defendant, nor any other property belonging to him, though found within the state. When this conclusion was reached, the case before the court was disposed of. But Mr. Justice Field, who wrote the opinion, added: "To prevent any misapplication of the views expressed in this opinion, it is proper to observe that we do not mean to assert, by anything we have said, that a state may not authorize proceedings to determine the status of one of its citizens towards a nonresident, which would be binding within the state, though made without service of process or personal notice to the nonresident. The jurisdiction which every state possesses to determine the civil status and capacities of all its inhabitants involves authority to prescribe the conditions on which proceedings affecting them may be commenced and carried on within its territory. The state, for example, has absolute right to prescribe the conditions upon which the marriage relation between its own citizens shall be created, and the causes for which it may be dissolved." This, it will be seen, was purely gratis dictum; and it is none the less so because the statement thus made has been universally accepted as a valuable contribution to the case law on the subject of the validity of decrees of divorce, and has come to be relied on as having prac-

tically the effect of a direct decision. Another form of *gratis dictum* lurks under the word "sempre," so frequently found in the reports. This term is often used to preface a statement by the court upon a point of law which is not directly decided, when such statement is intended as an intimation of what the decision would be if the point were necessary to be passed upon. It is also used to introduce a suggestion by the reporter, or his understanding of the point decided, when it is not free from obscurity.

(d) *The Test of Dicta*

The reason usually assigned for not conceding to dicta the weight and effect of precedents is that they are expressions of opinion upon some matter which may not have been argued at the bar, or duly brought to the attention of the court, or that they do not embody the mature and deliberate opinion of the judges. But this is not the true ground. The test of what is dictum is whether the statement made was necessary or unnecessary to the determination of the issues raised by the record and considered by the court. If it was merely an illustration or argument, or a private view of the judge speaking, or superfluous and not needed for the full determination of the case, it was, so to speak, rendered without jurisdiction, or at least was extrajudicial. Official character attaches only to those utterances of a court which bear directly upon the specific and limited questions which are presented to it for solution in the proper course of judicial proceedings. Over and above what is needed for the solution of these questions, its deliverances are unofficial.

Now a statement of law makes a precedent, not because it emanates from a wise and learned man, but because it is laid down by a judge, in his office of judge, and speaking to a question brought before him as a judge. Hence it follows that dicta of all kinds, however maturely they may have been considered, or however correctly they may state the law, are not technically entitled to the weight of precedents, because not within the limits of official decision. In effect, the difference between a dictum and a judicial precedent is the difference between an unofficial assertion of a principle of law and a decision of a controverted question.

To this effect speaks the Supreme Court of the United States in *Carroll v. Carroll's Lessee*, 57 U. S. (16 How.) 275, 14 L. Ed. 936, in the following language: "If the construction put by the court of a state upon one of its statutes was not a matter in judgment, if it might have been decided either way without affecting any right brought into question, then, according to the principles of the common law, an opinion on such a question is not a decision. To make it so, there must have been an application of the judicial mind to the precise question necessary to be determined to fix the rights of the parties and decide to

whom the property in contestation belongs. And therefore this court, as other courts organized under the common law, has never held itself bound by any part of an opinion, in any case, which was not needful to the ascertainment of the right or title in question between the parties." We must remark, however, that in some few jurisdictions, and particularly in Maryland, these views are not accepted. It seems to be there considered that any ruling made by the courts upon due argument and consideration, whether necessary or unnecessary to the decision of the particular case, is entitled to be considered a precedent.

(e) *Value of Dicta*

As a dictum is by definition no part of the doctrine of the decision, and as the citing of it as a part of the doctrine is almost certain to bring upon a brief maker adverse comment, lawyers are accustomed to speak of a dictum rather slightly, and sometimes they go so far as to intimate a belief that the pronouncing of a dictum is the doing of a wrong. Yet it must not be forgotten that dicta are frequently, and indeed usually, correct, and that to give an occasional illustration, or to say that the doctrine of the case would not apply to some case of an hypothetical nature, or to trace the history of a doctrine, even though it be conceded, as it must, that such passages are not essential to the deciding of the very case, is often extremely useful to the profession.

What is clear is that dicta are not part of the *ratio decidendi*, and hence are not of *imperative* authority. It is equally clear that dicta are entitled to some force. It is true that, as they are not required as steps toward the decision of the very case, they may have been uttered without full argument from counsel and without full consideration from the court; but if they can be shown to have been considered carefully, or to have been pronounced by unusually skillful judges, already well acquainted with the subject, no lawyer denies that they are of consequence. Whether well considered or not, they are entitled to be treated as statements of opinion emanating from men of learning. They resemble statements in legal treatises. In short, like all expressions of opinion from persons learned in the law, dicta must be conceded to have that sort of influence upon the minds of lawyers which has already been described as persuasive authority. Nay, more, they are frequently straws which show which way the mind is blowing, and from them the lawyer may often make a shrewd guess as to how the court will probably decide the case he is considering.

It should also be remarked that a dictum, though not originally entitled to rank as a precedent, may eventually come to occupy a position hardly distinguishable from that of a direct adjudication. This happens when the dictum is regarded as embodying a particularly correct or forcible statement of legal doctrine, and is frequently referred to with approval. This is illustrated in the dictum in *Pennoyer v. Neff*,

above referred to. Again, a dictum is sometimes made the starting point for a line of direct decisions, which, notwithstanding the origin on which they rest, are too weighty, in their accumulated strength, to be overthrown.

§ 4. Unnecessarily Broad Language

Intermediate between the authoritative doctrine of a decision and a mere dictum lies an unnecessarily broad statement of a principle which is really decisive of the problem before the court, and which therefore cannot be treated as wholly unnecessary. It is, indeed, difficult to determine precisely how broad should be the statement of the reason dictating the decision. There is no question at all that some of the peculiarities of the problem in hand have nothing whatever to do with the solution. The age of the plaintiff, for example, is usually irrelevant, and yet there are cases where it becomes the really distinctive and conclusive feature. The pleadings do much towards demonstrating what features are important, especially when the pleadings finally frame a distinct issue of law by reason of a demurrer; and the procedure by which the case is taken to a higher court is also of great utility in explaining what is the precise question.

Yet, notwithstanding pleadings and procedure, there frequently remain facts which conceivably color the problem in such a way that it is difficult to determine whether the coloring is not an essential feature of the general principle controlling the decision. When the court conceives that the coloring is immaterial, and therefore utters a general principle ignoring the coloring, and such general principle is the real basis for the decision, the case is unquestionably an imperative authority for such general principle. On the other hand, if the general principle, though uttered without limitation, was uttered merely because of the presence of the element just now called the coloring, the coloring itself is really a part of the reason of the decision, and the court's ignoring of the coloring was merely apparent; and then the court's failure to mention the coloring should be treated as a mere inadvertence, or as the conscious utterance of an unnecessarily broad doctrine, whose unnecessary broadness is in effect dictum.

It is difficult, when one has vividly in mind a specific state of facts, to phrase a proposition of law which will not cover more cases than are intended; and hence it is common for judges to insist that their language should be construed carefully in the light of the actually surrounding circumstances. Consequently, in framing a memorandum of the ratio decidendi of any case, the brief maker must be careful to avoid copying excessively broad propositions, and to make his statement of the doctrine of the case no broader than would be approved by the court making the decision, if that court were, so to speak, subjected to cross-examination.

§ 5. Two or More Grounds for Decision

When the court finds that its decision—for example, the reversal of the judgment of a lower court—can be rested upon either one of two or more independent grounds, it is obviously possible for the court to ignore all the grounds except one, and to proceed to base its decision upon th t one; and hence it is arguable that, if the court rests its decision upon more than one of the possible grounds, it is doing more than it is compelled to do, and hence more than it has a right to do, and that consequently the opinion, in so far as it goes upon more than one of the possible grounds, is in effect a dictum, and thus merely of persuasive authority.

The argument is plausible, but specious, and it does not represent the view that lawyers take. The court has a perfect right to pass upon the whole case, and to base its decision upon as many points as it finds to be available. If the court does pass upon more than one ground, and indicates clearly that it is content to rest its decision upon each ground so passed upon, then each of the grounds thus approved becomes the basis of a general principle for which the decision is of imperative authority. It is true, on the other hand, that the weight of the case as to any one ground will be lessened by any indication that this ground was deemed unimportant or was not examined with full consideration; and it is also true, of course, that if the court refuses to pass upon one of the grounds the decision is of no authority at all as regards the ground thus ignored and repudiated.

As said above when the case fairly presents two points going to the merits, upon either of which the appellate court might rest its decision, and the court actually decides both, without indicating that it has intended to rest the judgment upon one rather than the other, it cannot be said that the decision upon either of these points is dictum. In the case of *Hawes v. Contra Costa Water Co.*, 11 Fed. Cas. 862 (Case No. 6,235), the court, referring to *Spring Valley Water Works v. City and County of San Francisco*, 52 Cal. 112, in which a writ of prohibition was asked for, said: "There were two grounds relied on to show that there was not a proper case for the exercise of jurisdiction. Both grounds were distinctly and squarely presented by the record, and relied on, though the second was more especially argued by counsel. The court might just as well have rendered its decision on the second ground, if found good, as upon the first, without noticing the second, or it might properly have decided on both grounds, as in fact it did. It is a matter of almost everyday occurrence that the record contains two points, either of which, if sustained, would determine the case, and the court decides them all. In such case it cannot be said that one or the other is obiter. Where both points are fairly and directly presented by the record, and the decision might as well have been put

upon one as the other, and both are distinctly determined, we can no more say that one was not directly adjudicated than the other."

In *Florida Cent. R. Co. v. Schutte*, 103 U. S. 118, 26 L. Ed. 327, it was said: "It cannot be said that a case is not authority on one point because, although that point was properly presented and decided in the regular course of consideration of the case, something else was found in the end which disposed of the whole matter." So, in *State ex rel. Bailey v. Brookhart*, 113 Iowa, 251, 84 N. W. 1064, the court held that where several objections to the validity of a constitutional amendment are raised by the issues, and are held as valid grounds for the denying of its validity by the trial court, and its rulings thereon are assigned as error, and are specifically considered and affirmed on appeal, the decision is authoritative, and not dictum, as to each objection. The court said: "We consider that it is not for us to determine that of the two questions involved, relating to the amendment of the Constitution, one only was regarded as decided, while the other was simply discussed. The conclusion of the court as to either of these two questions would have determined the case, and one conclusion is as binding upon us as the other."

§ 6. Two Opposite Holdings at the Same Stage of the Case

Somewhat similar to the discussion in the preceding paragraph is the discussion of the effect of the court's deciding different points in the case in behalf of different parties. It is possible, for example, for the higher court to decide that as to one error alleged by the appellant the lower court was right, and as to another wrong. It is obvious that the ultimate act of the court above in such a case—the setting aside of the judgment of the court below—was dictated wholly by the view that the court below had committed an error; and consequently it is arguable that, in so far as the court above expressed an opinion that as to one point there was no error, the court above was doing something unnecessary as a step towards its ultimate act, was uttering a dictum, and created, at best, an opinion of only persuasive authority.

The argument is merely specious. In truth, the higher court has decided two points—one in one way, and the other in another—and each decision was independent; and, though the ultimate judgment of reversal flowed from only one of the decisions, each decision was of a judicial nature, and the principles underlying the respective decisions are properly to be treated as of imperative authority. However, here, as before, it must be added that as to the point upon which the higher court found no error the weight of the decision will be weakened by any indication that the court's consideration of this point was slight.

§ 7. Several Errors Claimed, and None Found

Verbally similar to the two instances of two or more mingled decisions just now discussed, but essentially very different, is the question arising when the court above is asked to pass upon several suggested errors of the court below, and finds that there are no errors at all, or when the court is asked to pass upon several grounds of demurrer to a pleading, and finds that no one of the grounds is sustainable. As the finding upon each point is really essential to the court's ultimate ruling—the affirming of the judgment of the court below, or the overruling of the demurrer—it ought to be obvious to even the most technical person that the decision of the court in question is of imperative authority as to each point, and also that the weight of the opinion is in no way lessened by the presence of the several points.

Yet it must be admitted that occasionally errors counteract each other. Hence, occasionally, when two allegations of error are taken to a court above, there may be an affirmance which is not based upon the court's belief that there was no error. This is a formal qualification of the discussion just now given, but it is not an important qualification, for the case seldom arises, and it is detected very easily.

§ 8. Discordant Opinions Agreeing in Result

There remain three instances in which the ascertaining of the doctrine of a decision is unusually difficult, and sometimes impossible.

The first of these instances is encountered when the judges, though all or most of them agree in result, differ as to the grounds of the decision. A famous instance of this is the *Dred Scott Case* (*Dred Scott v. Sandford*, 60 U. S. [19 How.] 393, 15 L. Ed. 691). The difference may be of any degree of intensity, and when it is extreme the brief maker cannot safely say what is the general principle, and must content himself with stating the case and the result and then giving some indication of the grounds assigned by the several judges.³ Now and then it may be possible to harmonize opinions apparently diverse, but surely one must hesitate to insist that but one doctrine was held by judges who professed to disagree.

§ 9. Opinion Ignoring Point

Another difficulty, sometimes insuperable, is encountered when the opinion of the court ignores the point which the brief maker deems the real explanation of the decision. Now and then, doubtless, the point is so obviously present that the court must be understood to have seen it, and to have given to it due weight. Oftener, however, it is more easily arguable that the point was wholly overlooked and that it had no effect, consciously or unconsciously, upon the court's decision.

³ See *Sturges v. Crowninshield*, 4 Wheat. 122, 207, 208, 4 L. Ed. 529 (1819), and comments on that case by Johnson, J., in *Ogden v. Saunders*, 12 Wheat. 213, 272-273, 6 L. Ed. 606 (1827).

It is certainly somewhat dangerous to assume that the court intentionally adopts a principle which its opinion does not suggest. Although there are instances where the silence of the court as to an obvious point cannot be imputed to ignorance or inadvertence, and where, therefore, the brief maker may properly venture to cite the case to an unmentioned proposition,⁴ it is hardly necessary to add that his memorandum must carefully point out that he has done this, and why he has done it.

§ 10. No Opinion

The third difficulty is distinctly similar to the one just now considered. It arises when there is no opinion at all. Then the safe course for the brief maker, clearly, is simply to state the case and the result. Now and then a certain point was taken to the court so obviously as to render it possible for any careful reader to say that the decision made by the court must be understood to contain a proposition upon that point; but here, again, it is hardly necessary to say that no brief maker would venture to frame this proposition of law without appending a memorandum of the absence of an opinion.

⁴ See Comments by Harlan, J., in *United States v. Texas*, 143 U. S. 621, 12 Sup. Ct. 488, 36 L. Ed. 285 (1892).

CHAPTER XXII

DECISIONS AS PRECEDENTS—EXTRACTING DOCTRINE
OF CASE—FORCE OF PRECEDENTS—STARE DECISIS

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2. Three Elements in a Reported Case.
3. Unnecessary Statements or Dicta.
4. Point Decided.
5. Ratio Decidendi.
6. Extracting the Doctrine of a Decision.
7. Same—When Ratio Decidendi does Not Correspond to Point Decided.
- (a) Illustration.
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10. Immaterial Differences in Cases—Distinguishing Cases.
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12. Stare Decisis.
- (a) Stare Decisis and Res Judicata Distinguished.
- (b) Application of Rule of Stare Decisis.
13. Conclusion.

§ 1. Introduction

In Chapters XX and XXI we have attempted to point out to the reader the authoritative element in a decision, that feature of a reported case which makes it a precedent. By way of introduction to the present chapter, let us briefly review the rules or principles by which cases are to be analyzed for the purpose of determining this authoritative element.

§ 2. Three Elements in a Reported Case

If the reader has followed closely the discussion in the two preceding chapters, he must have grasped the fact that in every reported case there are two elements, two classes of statements of law, upon which the force of the decision as a precedent, as an authority binding other courts, may rest. These two elements are the point decided and the ratio decidendi.

But accompanying these is a third class of statements, not necessary parts of the decision, the influence of which is nothing in adding to the force of the decision, but which, nevertheless, are present in almost every case, and which must consequently be distinguished and separated from the other two. We refer again to dicta. Let us consider these for a moment in the inverse order of their importance as authority.

§ 3. Unnecessary Statements or Dicta

As a judicial decision arises only when a particular, specific controversy is submitted to the court for determination, and as the real function of a court is to decide only the specific actual controversy so sub-

mitted, it is obvious that any departure from the controversy, any consideration of hypothetical controversies, is extrajudicial, and consequently *ultra vires*. But in a great many instances the court goes out of its way to ingraft on its decisions statements of the law that have no direct application to the matter in controversy. These statements may be made merely by way of illustration and argument from analogy, or they may be broad statements and applications of principles that are in a narrow form really involved in the case. In any event these statements, classed under the generic term of *dicta*, being wholly unnecessary to the determination of the real question at issue, are of no authority, add nothing to the force of the decision, and must be eliminated in order to arrive at the authoritative element of the case.

§ 4. Point Decided

But, as a decision is a result of the consideration and determination of an actual controversy, it is evident that the point or issue actually decided by the court is a necessary element of the decision, and consequently possesses some attribute of authority. It is binding on the parties to the action and on their privies. But its authority is limited strictly by the facts of the controversy. It can influence the decision of other controversies only when those controversies arise out of facts exactly similar. Therefore, if a decision shall bind the courts in other controversies between other persons and based on variant facts, it must be because there is some principle of law underlying the point decided that is applicable to varying conditions of fact, and that really binds the world at large.

§ 5. Ratio Decidendi

It is this underlying principle, the doctrine of the case, the *ratio decidendi*, the legal reason which caused the case to be decided as it was decided, which is the authoritative element. As was pointed out in Chapter XXI, the *ratio decidendi* does not necessarily coincide with the point decided, though in some instances, in expressing the point decided, it is in the form of the *ratio decidendi*. In the nature of things, the *ratio decidendi* is usually broader than the point decided, as the point decided merely shows the application of the *ratio decidendi* to specific facts. Moreover, the *ratio decidendi* need not appear in so many words in the opinion. In fact, often it must be deduced from the result of the case, in that the case could not have been decided as it was unless the court assumed that a certain principle applied.

But, whether stated in so many words or not, the reader must not lose sight of the fact that underlying every decision there must of necessity be some principle of law; that in every decision there is necessarily involved some proposition of law—the *ratio decidendi*—without which the judgment in the case could not have been given. It is this principle that the brief maker must find by his analysis of the case before he can rely on that case as a precedent.

§ 6. Extracting the Doctrine of a Decision

For the purpose of showing the lawyer's mode of determining the doctrine of a decision, it will be useful to examine the famous case of *Irons v. Smallpiece*, 2 B. & Ald. 551, in which the question was whether the title to personal property passes by an oral gift without delivery.

The question arose in an action of trover for two colts. The plaintiff was the donee. The defendant was the executrix of the donor, who was the plaintiff's father. An oral gift of the colts seems to have been made by the testator to the plaintiff, a year before the testator's death. The colts were never taken out of the testator's possession. Six months before the testator's death the testator agreed to furnish hay at a stipulated price, but until three or four days before his death none was furnished. On these facts, in the court below, Abbott, C. J. (later Lord Tenterden), took the case from the jury, and directed a nonsuit.

In the court above—the Court of King's Bench—counsel for the plaintiff, arguing in favor of setting the nonsuit aside, stated that in *Wortes v. Clifton*, 1 Rolle's Rep. 61, it was laid down by Coke, C. J., that, although in the Roman law a gift of goods is inefficacious without delivery, in our law the rule is otherwise.

The judges, however, agreed that the nonsuit should not be set aside.

They delivered separate opinions. Abbott, C. J., said, in part: "In order to transfer property by gift there must either be a deed or instrument of gift, or there must be an actual delivery of the thing to the donee. Here the gift is merely verbal, and differs from a *donatio mortis causa* only in this respect: that the latter is subject to a condition that, if the donor live, the thing shall be restored to him. Now, it is a well-established rule of law that a *donatio mortis causa* does not transfer the property without an actual delivery. * * * This property in the colts did not pass to the son by the verbal gift; and I cannot agree that the son can be charged with the hay which was provided for these colts three or four days before the father's death, for I cannot think that that tardy supply can be referred to the contract which was made so many months before." The other judges concurred, Holroyd, J., saying, in part: "In order to change the property by a gift of this description there must be a change of possession. Here there has been no change of possession. If, indeed, it could be made out that the son was chargeable for the hay provided for the colts, then the possession of the father might be considered as the possession of the son." And Abbott, C. J., added: "The dictum of Lord Coke in the case cited must be understood to apply to a deed of gift."

Thereupon the Court of King's Bench gave judgment for the defendant; the reporter's short summary of the result being simply, "Rule refused."

Noticing exactly what was the point that had to be decided in the court above, namely, whether, in view of the fact that there was no change of possession, the plaintiff took title to the colts under the gift from his father, one sees that this case cannot be cited as an imperative authority for any proposition other than that title to a chattel does not pass by a merely oral gift *inter vivos*, while the chattel remains in the donor's possession. The judges certainly indicated their views upon other propositions. They showed clearly their belief that an oral gift of a chattel, with change of possession, passes title, and that an instrument under seal or any other written instrument of gift may pass title without change of possession of the chattel itself; but upon these propositions, and others that may be found more or less clearly indicated in the opinions, what the judges said was not requisite for their decision, for they did not decide that the gift before them passed title, and hence their statements of the hypotheses upon which title would pass were mere dicta, however sound they may be.

Taken in connection with the discussion already given, this case of *Irons v. Smallpiece* shows both how the judges deal with the sayings of prior courts and how the brief maker may venture to discard dicta and thus ascertain the true ratio decidendi. The doctrine of the decision is most safely ascertained by finding precisely what question was taken to the court and what disposition was there made of the case, and by then extracting, with the aid of the opinion, the general proposition or propositions which dictated this result.

§ 7. Same—When Ratio Decidendi does Not Correspond to Point Decided

Attention has been called to the fact that the ratio decidendi does not necessarily correspond to the concrete point decided. In such instances, if we were formulating a paragraph of the point decided, the ratio decidendi or reason for the decision would not be included therein. This is especially the case when the ratio decidendi consists of a statement of a principle of law so long established and so well known as to have become an axiom. In such cases, and where the question up for determination is one which must necessarily be decided by a direct application of the ratio decidendi thereto, or by a variation or exception therefrom, a statement of such application or variation of the ratio decidendi to the specific question is a sufficient paragraph. Where this is done, the ratio decidendi is left to be inferred from the paragraph so written.

(a) *Illustration*

The following case is given as illustrative of a case where the ratio decidendi does not correspond exactly with the point decided, and is therefore properly omitted as a point decided:

RITTER v. THIBODEAUX (Tex.) 41 S. W. 492.

FLY, J. Appellee, a minor, by and through his father, sued appellant in the county court of Galveston county, to recover damages in the sum of \$1,000, incurred by reason of the loss of an eye, caused by appellee being shot by the minor son of appellant. The cause was tried by a jury, and appellee obtained a verdict and judgment for \$200. William Ritter, Jr., the son of appellant, and several other boys, had been out hunting, and were returning home, when a boy, in front with appellee, called to the other boys, who had air guns, that he would give them leave to shoot at them. Appellee and his companion then sprang behind a bale of cotton; but appellee peeped out, and, as he did so, was struck in the eye by a shot from the gun of William Ritter, Jr., and the injury was such that he lost his eye. Appellant had no knowledge that his son was out with the gun. The boy did not own a gun, and was not permitted by his father to use one; but he had borrowed the air gun from a neighbor.

Is the father responsible in damages for the act of the son? We are of the opinion that he is not. At common law the father is not liable for the torts of his child, committed without his knowledge or authority, express or implied. Such a case would have been upheld by the civil law, under the operation of which the child occupied the position almost of a slave, but never has been permitted wherever English law has shaped statutes and decisions. The rule generally followed in America is that the father is not liable in damages for the torts of his child, committed without his knowledge, consent, participation, or sanction, and not in the course of his employment of the child.
* * * Neither the allegations nor the proof show the liability of appellant for the act of his son, and the judgment is therefore reversed, and the cause dismissed.

(b) *Explanation*

In this case there is but one question to be decided, Was the father liable for the acts of his son? The court held that he was not, and in so deciding said: "The rule generally followed in America is that the father is not liable in damages for the torts of his child, committed without his knowledge, consent, participation, or sanction, and not in the course of his employment of the child." This statement is, of course, based on the general principle of law (but not stated in the opinion) that one person cannot be held legally responsible for the torts of another, and amounts to a holding that the mere existence of the relationship of parent and child is not sufficient to constitute an exception to such rule. These two statements, the one expressed and the other inferred, constitute the ratio decidendi. The opinion, however, contains a statement of the facts sufficient to make it desir-

able, as well as possible, to apply the ratio decidendi thereto in formulating a paragraph for the case, which should read as follows:

"A father who does not permit his minor son to use a gun cannot be held responsible in damages for the act of his son, who, while out hunting without his father's knowledge or consent, carelessly and purposely shoots a companion, and injures him."

This paragraph constitutes an application of the ratio decidendi to the facts, and is what is known as a concrete paragraph. It would, of course, be permissible to formulate another paragraph to the effect that a "father is not liable in damages for the torts of his minor child, committed without the parent's knowledge, consent, participation, or sanction, and not in the course of his employment of the child." Such a paragraph would be what is known as an abstract paragraph. But when it is considered that the statement embodied in the abstract paragraph is of a principle of law so well established and generally known, and that the concrete paragraph contains the statement by an implication so clear that it cannot possibly be overlooked, it is apparent that the abstract statement is unnecessary.

If the abstract statement happened to be of a principle of law which was of first impression, or of a principle as to the correctness of which there was a dispute or conflict of authorities, then the abstract paragraph should be included in the points decided.

§ 8. Same—When Ratio Decidendi and Point Decided Coincide

On the other hand, the case of *Wilson v. Garrard*, 59 Ill. 51, is illustrative of a case when the ratio decidendi and the point decided practically correspond, and when, therefore, in formulating a paragraph expressive of the point decided, the ratio decidendi would be included therein. This case is especially valuable, also, as indicating the distinction between ratio decidendi, or point decided, and dicta.

WILSON V. GARRARD, 59 Ill. 51.

PER CURIAM. This suit was commenced before a justice of the peace, for the trespass of the children of appellee, in passing over the land of appellant, in going to and returning from school, and for worrying and maltreating the hogs of appellant.

A father is not liable for the torts of his children, committed without his knowledge or consent, and not in the course of his employ.

In this case, the acts of the children towards the hogs were wholly willful, and not by the direction or with the assent of the father. Infants are liable for torts and wrongs committed by them, the same as adults. It would be unjust to hold the father responsible for the purely mischievous and willful conduct of the children, as shown by this record. * * * [The rest of the opinion deals with the question of a license to use the land of appellant, and is omitted.]

(a) *Explanation*

The appellee was sued for the trespass by his children on appellant's land, etc. The question presented to the court was: Is a parent responsible to the owner of property for a trespass thereon committed by his infant children, because of the relationship of parent and child? The court held that he was not, and as a reason for such holding said: "A father is not liable for the torts of his children, committed without his knowledge or consent, and not in the course of his employ." This principle or declaration of law is based on the principle that one person cannot be held legally responsible for the torts of another, and declares that the mere relationship of parent and child does not constitute an exception to the general principle, which is therefore the *ratio decidendi* of the holding.

All other statements are *dicta*. The statement that "infants are liable for torts and wrongs committed by them, the same as adults," is not necessary to the decision, because the action is not against the children, but against the parent, and hence is *dictum*, although a statement of an established principle of law.

This case may also be used as illustrating when the *ratio decidendi* is properly a point decided; i. e., the *ratio decidendi* stated in the opinion, not the *ratio decidendi* implied. This is properly so in this case, because the statement of facts is insufficient to permit of the application of the *ratio decidendi* thereto, so as to make a good concrete statement of the point.

§ 9. Use of Decision as a Precedent

Having considered what it is in the decision that constitutes its authoritative element, and gives it the force of a precedent, let us consider briefly to what extent its force is affected by the nature of the controversy in which it is appealed to as a precedent.

If the facts and issues in the subsequent case are identical, so that both the point decided and the reason for the decision apply directly to the case at bar, the former decision is, of course, unquestionably a precedent, and will control the determination of the second case. This is so clear that it needs no further exposition. So, too, if there is absolutely nothing in common between the present controversy and the former case appealed to as a precedent, obviously the decision in the former case cannot be relied on as determining the case at bar.

But between these two extremes lie those cases in which the facts and issues differ to a greater or less extent from those in the former case. In such instances, while the applicability of the former decision as a precedent is not so obvious, yet the situation presents no real difficulty, and the status of the former decision as a precedent is determined by a few very simple rules, dependent on the relation of the one case to the other.

§ 10. Immaterial Differences in Cases—Distinguishing Cases

In order that the decision in one case should be available as a precedent for the decision of another case, it is not necessary that the circumstances of the two cases should be identical. Each case actually in the courts involves numerous facts or circumstances which may never be present in any other. But many of them may be immaterial to the rule of law announced in the case. If the point of difference between the two cases is such that its presence or absence could make no difference in the determination of the rule of law by which the case is to be governed, it is immaterial, and will not affect the authority of the former case as a precedent in the latter. But if there be a fact or circumstance in the former case which is not present in the latter case, and which is of such a nature that the former case could not have been ruled as it was, had that fact or circumstance been absent, then the former case is not an authority for the decision of the latter. The ascertainment of such material points of difference, and the indication of their influence upon the decision to be rendered, is known as "distinguishing" cases.

§ 11. Arguing from Analogy—Combining Cases

One case which presents exactly the same state of facts with another is said to be "on all fours" with it. As already explained, this absolute identity is not necessary to justify the application of the one to the other as a precedent. One case is a direct precedent for another, if it involves the same question of law arising out of a substantially similar state of facts. But it also frequently happens that a case may be decided strictly on precedent, although no earlier case can be found which is on all fours with it, or even a direct precedent for it. Several cases, all dealing with the same general topic, though with dissimilar aspects of it, may, by their combination, establish a general rule which is broader than the doctrine of any one of the cases taken by itself, and broad enough to include the novel case to which it is to be applied.

Let it be supposed, for example, that it has been decided that an inscription etched on glass is admissible as documentary evidence in a proper case, notwithstanding the nature of the substance and the method of putting the writing upon it. Suppose, further, that a second case has made a similar decision with regard to an inscription cut into wood, and that a third has laid down the same rule with reference to an inscription carved on stone. A case now arises in which the question is as to the admissibility of an inscription engraved on a gem or a ring. No one of the three previous cases is identical with it. Yet those cases, taken together, may be considered as having settled the general rule that neither the substance on which a document is inscribed nor the manner of the inscription is material, so long as it is legible and sufficiently enduring in character. And this general rule is broad enough to include the case on trial and to furnish a principle for its decision.

§ 12. *Stare Decisis*

The rule of adherence to judicial precedents finds its expression in the doctrine of *stare decisis*. This doctrine is simply that, when a point or principle of law has been once officially decided or settled by the ruling of a competent court in a case in which it is directly and necessarily involved, it will no longer be considered as open to examination or to a new ruling by the same tribunal, or by those which are bound to follow its adjudications, unless it be for urgent reasons and in exceptional cases.

(a) *Stare Decisis and Res Judicata Distinguished*

The doctrine of *stare decisis* must, however, be distinguished from the principle of *res judicata*. As was said in *Moore v. City of Albany*, 98 N. Y. 396: "A judgment, as to all matters decided thereby, and as to all matters necessarily involved in the litigation leading thereto, binds and estops all parties thereto and their privies in all cases where the same matters are again brought in question. Such is the doctrine of *res judicata*. There is also the doctrine of *stare decisis*, which is of a different nature. When a court has once laid down a principle of law as applicable to a certain state of facts, it will adhere to that principle and apply it to all future cases, where the facts are substantially the same; and this it does for the stability and certainty of the law." In effect the two principles differ in three main particulars:

First, as to the parties affected. A judgment (unless it be in rem) is conclusive only upon the parties to the former litigation and those who are in privity with them. But a judicial precedent will be applied by the courts without any regard to the parties; it being necessary only that their legal rights and relations should be substantially the same as those passed upon in the former case.

Second, they differ as to the nature of the questions settled. The doctrine of estoppel by judgment applies to controverted questions of fact, and prevents the re-examination of issues of fact once judicially settled in a court of competent jurisdiction. The rule of *stare decisis* has no relation to matters of fact, but is applicable when disputed questions of law have been officially settled and determined.

Third, while both these rules are directed to the same general end, namely, to put an end to litigation, they differ in the modes by which they seek to accomplish this purpose. A judgment is held to be conclusive, in order that the parties may not be at liberty to renew the same litigation at their pleasure. The object is to put a definite end to each individual controversy when a final judgment has been reached, so that it may not be indefinitely protracted in the courts. The doctrine of *stare decisis*, on the other hand, seeks to prevent litigation in general, by rendering it unnecessary. Its object is to impart such certainty and stability to the law that every man may be certified of the nature and extent of his various rights and legal relations, and may be enabled to

govern his conduct in such a manner as to make it unnecessary for him to come before the courts either as plaintiff or defendant.

(b) *Application of Rule of Stare Decisis*

While the rule of stare decisis is very important, and will not be departed from for slight or trivial causes, yet it would never be carried so far as to preclude the court from investigating former decisions, if the question has not undergone repeated examination and become well settled. As was said in *Smith v. Smith*, 13 La. 441, "a single precedent will not be necessarily followed." And in *State v. Williams*, 13 S. C. 546, it was said that in case of a single decision regard would be had to the grounds thereof. So the Supreme Court of Ohio, in *Leavitt v. Morrow*, 6 Ohio St. 71, 61 Am. Dec. 334, took the position that mere precedent alone is not sufficient to establish a legal principle that is not founded on sound reason and does not tend to the purposes of justice. On the other hand, where the rule has been adhered to for many years, it will, as said in *Davidson v. Biggs*, 61 Iowa, 309, 16 N. W. 135, usually be followed, without even attempting to vindicate its correctness. The rule of stare decisis, according to *Whittemore v. Cope*, 11 Utah, 344, 40 Pac. 256, merely means that when the facts are the same as in the previous case, though the parties are different, the appellate court will adhere to its previous decision; there being nothing manifestly erroneous therein. Perhaps the most common application of the rule is to be found among those decisions which establish a rule of property or the construction to be placed upon a statute. In such case it is believed that the principle of the former decisions should be adhered to for the protection of rights that have grown up as the result thereof, though subsequent experience may show them to be erroneous.

§ 13. Conclusion

In the last three chapters we have attempted to give the reader a clear idea of the value and weight of a decision and its force as a precedent, so far as its value and force is affected by conditions inherent in the decision itself. In the next chapter the external conditions which may affect the value of a decision will be discussed.

CHAPTER XXIII

DECISIONS AS PRECEDENTS—CIRCUMSTANCES AFFECTING
THE WEIGHT OF A DECISION

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2. The Necessity of Noticing the Circumstances.
 3. Thoroughness of Consideration.
 4. Same—Cases of First Impression.
 5. Same—Failure to Cite Authorities.
 6. Effect of Dissent.
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 8. Defective Reports.
 9. Later Authorities in Same Jurisdiction.
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 11. Same—Decision Overruled Expressly.
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 13. Same—Decision Limited or Distinguished.
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 18. Same—As Between Superior and Inferior Courts.
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 22. Same—Decisions of Commission or Temporary Court.
 23. Same—Decisions of English and Other Foreign Courts.
 24. Conclusion—Caution Against Hypercriticism.

§ 1. Introduction

In Chapter XIX it was pointed out that in determining the force of a decision as a precedent two classes of factors—the one internal and the other external—must be taken into consideration. In Chapters XX, XXI, and XXII the internal factors—the nature of the statements of law contained in the opinion and their relation to the facts of the case—have been discussed, and their effect in determining the force of the decision as a precedent explained. It remains to take up the external factors—the conditions under which the decision was pronounced and the circumstances under which it is to be used as a precedent—and explain the effect of such conditions and circumstances on the weight of the decision.

§ 2. The Necessity of Noticing the Circumstances

In the course of the discussion which has had for its object the drawing of the extremely important distinction between doctrine and dictum, it has appeared incidentally that there are other distinctions affecting the weight of the propositions for which counsel on one side or the other may be expected to cite a case. As the brief maker's memoranda should indicate accurately the weight of the case in so far as the case has bearing upon the object of his investigation, it is necessary for him to take account of these modifying circumstances, and not

to content himself with ascertaining the doctrine and indicating that certain matter is mere dictum.

It will be discovered that the circumstances affecting weight are numerous. Indeed, it is impossible to give an exhaustive list. It is necessary to take account of those which are the most important; and it is necessary also to bear in mind that when the circumstances make a decision extraordinarily weighty they do not prove that it is right or that it will be followed, and that when the circumstances make the decision extraordinarily weak—hardly better than the merest dictum—they do not prove that it is wrong or that it will be ignored. Yet after these limitations have been stated as to the importance of the circumstances now to be enumerated, the fact remains that the circumstances are a constant subject of comment, must not be ignored, and ought to be represented in the brief maker's notes by some system of concise and clear memoranda.

§ 3. Thoroughness of Consideration

In discussing dicta, it probably became clear that their lack of great weight—even their occasional lack of great persuasive authority—although due theoretically to their somewhat extrajudicial character, is also justified from a purely practical point of view by the customary absence of careful deliberation in uttering them. Similarly, lack of thorough consideration will reduce—even destroy—the weight of the very ratio decidendi.

There are numerous circumstances indicating lack of thorough consideration, the effect of which on the value of the decision is in some instances so obvious that no especial comment is necessary. For instance, there may have been no argument or a very inadequate argument, of the case. The case may have been merely an amicable suit, and hence decided without thorough contention and deliberation. Of like nature are decisions in *ex parte* proceedings. So, too, the case may be of a political nature, or in some other manner may appeal to the court's prejudices, thus rendering it possible to contend that the decision is not the result of thorough and unbiased consideration.

Again, the court may deal with a certain point in question slightly, on the ground that the decision can be based easily on another point, in which case the force of the decision as to the first point is materially weakened. Or the opinion may ignore the point altogether, so that, as has already been explained, it is difficult to say that the point is really part of the doctrine in the mind of the court.

§ 4. Same—Cases of First Impression

Another circumstance that is regarded as affecting the weight of a decision is the fact that it was rendered in a case of first impression; that is, a case presenting an entirely novel question of law. The opinion of the court in such a case is not ranked so high in the scale of authority as one which is supported by concurring decisions in the same

or other jurisdictions; but the decision, through no fault of counsel or judges, is open to the criticism that perhaps not all the possible consequences of the doctrine were discovered. Its weight must depend upon the exactness of the court's reasoning and upon the correctness of the analogies which it brings to bear in support of the conclusion, and which in the absence of direct authorities are the chief arguments which can be adduced.

§ 5. Same—Failure to Cite Authorities

Since the great mass of cases now before the courts are not cases of wholly first impression, but call only for the application of the established rules of law to particular states of fact, the character and applicability of the authorities cited in an opinion is a point to be considered in judging of its value as a precedent. A well-reasoned opinion is like a strong wall; but a well-reasoned opinion supported by the citation of well-considered and applicable authorities is like a strong wall made more firm by the support of buttresses. On the other hand, if the opinion shows that the court relied on the authority of decisions which are found to be ill-considered, obsolete, discredited, or overruled, its decision loses force in proportion as it depended upon such unreliable sources.

It is true that if a particular decision is opposed to the preponderance of authority in other jurisdictions, and consciously so, it may be respected for the vigor of its reasoning, and might be influential in bringing about a change of opinion; but if it is rendered without reference to the existence of a large body of opposing authorities, and without anything to show that the court was even aware of their existence, it is entitled to little or no respect.

A striking example of this ignoring of other authorities is to be found in the decision in *Northern Assurance Co. v. Grand View Building Ass'n*, 183 U. S. 308, 22 Sup. Ct. 133, 46 L. Ed. 213, which involved a question of waiver of a condition of an insurance policy. In this case a majority of the court adopted a rule which is absolutely contrary to that laid down in 28 states and in some decisions of the Supreme Court. Mr. Justice Shiras, who wrote the opinion, cites some early English cases, cases from Massachusetts, where the prevailing doctrine is denied, from New Jersey, where the doctrine is denied in the law courts, and from Connecticut, and a few other states. These latter cases are, however, not in point. Early cases from New York are cited, but the court admits that they have been overruled. The principal reliance is placed upon an early case in the United States Supreme Court in which it is very apparent that other elements determined the decision, a case, moreover, the doctrine of which has since been modified. Later cases are not referred to. Naturally, since the decision of this case, a large number of courts in which the same question has arisen have refused to follow it.

§ 6. Effect of Dissent

The consideration of a case, however thorough, may not have been sufficient to carry conviction to the minds of even the court making the decision; and thus the weight of the *ratio decidendi* is lessened by a dissent. An opinion concurred in by the whole bench is naturally of higher rank and value than one from which one or more of the judges dissent. Indeed, in other jurisdictions the value of an opinion depends very largely on the number of judges who dissent, on their personal reputation for learning and ability, and on the force or character of the dissenting opinion as compared with that of the majority. It will often happen that a dissenting opinion is so well-reasoned, so well sustained by authority, and so much more in harmony with the spirit and reason of the law as to destroy almost wholly the value of the majority opinion as a precedent.

As illustrating this, reference may be made to the case of *Hooper v. California*, 155 U. S. 648, 15 Sup. Ct. 207, 39 L. Ed. 297, in which the dissenting opinion of Mr. Justice Harlan is really entitled to more weight than the opinion of the court, as the court, in order to hold as it did, assumed the existence of facts that did not appear in the case.

§ 7. Decision by Divided Court

When the judges of an appellate court are equally divided in opinion as to the disposition to be made of a case, the judgment of the court below will be affirmed, on the theory that as one who prosecutes an appeal has the burden of satisfying the appellate court that the inferior court rendered an erroneous judgment, unless he induces a majority of the judges to hold this view, he has not made out his case. Such a judgment of affirmance is, of course, binding on the parties to the particular litigation; but the decision is not regarded as settling the question of law involved so that it may be cited or relied on as a precedent. There are numerous cases laying down this doctrine, as, for instance, *Morse v. Gould*, 11 N. Y. 281, 62 Am. Dec. 103, *Hanifen v. Armitage* (C. C.) 117 Fed. 845, and *State v. McClung*, 47 Fla. 224, 37 South. 51. In South Carolina, however, the Constitution provides that "in all cases decided by the Supreme Court concurrence of three of the justices shall be necessary for a reversal of the judgment below; but if the four justices equally divide in opinion the judgment below shall be affirmed. * * *" It was held in *City of Florence v. Berry*, 62 S. C. 469, 40 S. E. 871, that in view of this provision of the Constitution a judgment of affirmance by a divided court must be regarded as binding authority in all subsequent similar cases, until it is overruled by competent authority.

§ 8. Defective Reports

As what is authoritative is merely what the court did and said, and not at all what the reporter may say that the court did and said, and as this is true even though the reporter be—as in most jurisdictions he

now is—a public official, it follows that the authority of a reported case is overthrown or modified by any circumstance which shows the report to be inaccurate or substantially incomplete.

Objections based on defects in the reports are not often raised in connection with American decisions, for the simple reason that under the American system of reporting defective reports are comparatively few.¹ In some instances, however, there may be evidence of defective reporting, in that the syllabus is so unsatisfactory as to show that the reporter did not understand the case he was attempting to report, and hence that his statement of the facts and pleadings and procedure, or indeed any other item of his work, may be wrong. Similarly, the statement of the case may be so scanty or confused or inaccurate that it is impossible to ascertain what question actually went to the court.

So far as English reports are concerned, it may be found that the opinion is so condensed as to be unsatisfactory (a condition that seldom arises in the United States, where opinions are usually written and reported in full), or the case may be reported with substantial differences in several reports or periodicals. This is a difficulty often encountered with early English cases, partly for the reason that some early volumes were unauthorized publications of hurried notes taken in court and never revised. This last difficulty is, of course, practically nonexistent with American cases.

§ 9. Later Authorities in Same Jurisdiction

Even though the doctrine of the case can be clearly ascertained and the case is free from any of the adverse criticisms heretofore stated, the case may have become of little or no authority by reason of later decisions in the same jurisdiction. The most obvious example of this is where the decision of a lower or intermediate court is reversed by a higher court. Another example is where a decision, though rendered by a court of last resort, is reversed or modified on rehearing. But the most interesting phase of this question is presented by those instances where a court has expressly or impliedly overruled its own decision.

§ 10. Same—Power of Court to Overrule Its Own Decisions

There is an interesting difficulty, and not a mere verbal puzzle, involved in the two apparently inconsistent theories which our system of law holds as to the binding effect of judicial precedent. On the one hand, the doctrine of the decision is deemed of imperative authority, binding this court and subordinate courts also. On the other hand, the court can overrule its own decisions, distinctly refusing to apply

¹ In regard to the accuracy of the English reports, see, also, Chapter IV, §§ 3 and 6.

the principle of former decisions to new cases; and it is conceded to be the duty of the court to overrule its old decisions in case those decisions can be clearly shown to be unjust, inconvenient, or inharmonious with the more general principles and analogies of law.

It is certainly possible to argue that the recognition of the propriety of a court's overruling its own decisions places those decisions upon the plane of merely persuasive authority, and causes our theory of judicial precedent to be substantially like the theory held upon the continent of Europe. Yet in truth the two theories are different, and the two practices as to this matter are also different. Doubtless, as continental jurists concede a certain respect, though no binding force, to judicial precedents, and as our lawyers concede the propriety of overruling decisions of imperative authority, there is a verbal similarity between the two points of view. In reality the continental jurists emphasize the importance of deciding each case as if it were a new one, rather than the propriety of following the example of earlier decisions; whereas our lawyers emphasize the importance of respecting precedents, rather than the possibility of hewing out a new path. The difference in emphasis marks a vital difference in both theory and practice.

As has been said in a previous part of this discussion, the vast multiplication of reports on the continent of Europe and in countries using our own system of law is apparently bringing the practices as to the use of authorities into somewhat the same condition, continental judges finding, especially when overburdened, that the decisions of other judges are a great source of enlightenment, and our own judges, overwhelmed by discordant decisions from many jurisdictions, finding that it is sometimes easier and more satisfactory to choose a path dictated by theory; but the approximation remains slight, and it would be a mistake to infer that there is any substantial change in the theories of the lawyers devoted to either one of the great modern systems. Notwithstanding the occasional decision confessedly refusing to follow the decisions of other jurisdictions, and the occasional decision overruling the doctrine of the very court, the theory requiring precedents to be respected—frequently called the “rule of stare decisis”—continues to be one of the distinguishing marks of our system of law.

§ 11. Same—Decision Overruled Expressly

Even though the decision itself may stand forever in the very litigation, the doctrine of the decision may have been frankly overruled in some other litigation in the same court or in some court of higher jurisdiction, in accordance with the power which a court of higher jurisdiction must always have, lest it be actually controlled by courts of lower jurisdiction, and in accordance with the power whereby the very court, even under the theory of stare decisis, can refuse to be guided by its own decisions, as has been explained already.

§ 12. Same—Decision Overruled by Implication

Although the decision may not have been overruled frankly, there may have been a decision that overruled it silently; and then there arises a question whether the later inconsistent decision must be discredited as a mistake or must be accepted as an overthrow of the earlier doctrine.

§ 13. Same—Decision Limited or Distinguished

It may be that the decision is not expressly or impliedly overruled; but a court capable of overruling it may have refused to apply it to a later case coming within its doctrine, taking some distinction which confines the doctrine of the earlier case within very narrow limits, and which, likely enough, foreshadows ultimate overruling. This is, indeed, the most frequent mode of correcting what is conceived by the court to be an error—a mode pursued naturally enough, since it somewhat conceals the rather embarrassing allegation of error, and easily quiets the mind as to the possible conflict between the power of overruling and the rule of stare decisis.

§ 14. Same—Decision Disapproved

Though the decision may not have been overruled, or even distinguished, it may have been expressly disapproved by the same court or by some higher court. As mere disapproval cannot occur except in a case not directly involving the doctrine disapproved—for otherwise the disapproval would pass into overruling, or at least into distinguishing—it follows that mere disapproval is in effect mere dictum, and can have only persuasive authority, and not imperative authority; but the express disapproval may be a strong indication that, when the point is squarely raised, the decision criticised will be overruled.

§ 15. Decision Ignored

Even when it is not possible to point out any decision that affects the point in question in any one of the ways enumerated, it sometimes happens that the profession has grown to ignore the old decision as wrong or obsolete; and though this does not happen often, when it does happen, the old decision is very likely not to be followed in case the point is squarely raised again. This is one of the instances in which lawyers rather mystically, though soundly, say that a decision is “not law.”

§ 16. Isolated or Connected Decisions

A single decision may, of course, constitute a precedent which the courts will positively refuse to overturn. It may have settled a rule of law so elementary and so universally regarded as just that the question has not again been brought into contention in the courts. On the other hand, the fact that a given case has not been cited or followed

tends to show, unless it is a recent decision, that it has not been regarded as good authority. Where a decision rests upon an unsound basis or an erroneous application of principles, the courts will be much more willing to overrule it than to disturb a connecting line of cases holding the same views.

Conversely, the case in question may be one of a series, extending to the present time, applying the doctrine in instances where it is part of the *ratio decidendi*, approving it by *dicta* in other instances, and even extending it to cases which seem to be outside its original scope. When this happens, the doctrine is impregnable—and more than impregnable, for it is an active and conquering force.

§ 17. Comments Based on the Jurisdiction of the Court

The power of a court to create a precedent of imperative authority, besides being limited to the very question arising in the course of actual litigation, is subject to other limitations. As a lower court cannot bind a higher, there is what may be termed a horizontal limit; and as a court cannot establish law for regions outside the geographical boundaries of its jurisdiction, there is also a vertical limit. In other words, although the doctrine of a case has received full consideration, is easily ascertainable from a report that is above criticism, and has not been weakened in any respect, the case may be of defective authority because of circumstances relating to the court's jurisdiction.

§ 18. Same—As Between Superior and Inferior Courts

The *ratio decidendi* of a decision in a court not of last resort, though of imperative authority in that court and courts of lower rank in the same state or jurisdiction—until reversed or overruled—is of merely persuasive authority in courts of the same rank and in the court of last resort. This point is independent of one sometimes made, to the effect that the decision of a lower court is sometimes rendered without full deliberation, and it is also independent of the suggestion, often inaccurate, that the judges of lower courts are less experienced or less scholarly than judges of courts of last resort.

The decisions of a court of last resort furnish imperative and binding precedents for the guidance of all courts over which it exercises appellate jurisdiction. Consequently, the decisions of the Supreme Court of the United States are binding on all the inferior United States courts.

§ 19. Same—Decisions of State Courts on Federal Questions

But even within the state the decisions of a state court of last resort as to questions under the Constitution of the United States, the treaties of the United States, or the statutes of the United States must be treated as the decisions of a subordinate court, for the reason that these questions are within the peculiar jurisdiction of the federal courts.

§ 20. Same—As Between Courts of Different States

The decisions of a court of last resort of one state have in other states generally only persuasive authority. But if the question at issue is to be governed by the common or statutory law of another state, the decisions of the court of last resort of that state must be accepted as authoritative expositions of such law, and must be followed by the court in which the case is on trial.

If the question is to be determined according to the law of the forum, decisions made under a similar legal system prevailing in another state may be cited and respected for their reasoning, but are not binding as precedents.

§ 21. Same—As Between Federal and State Courts

As to matters of state law, the state courts, and not the federal courts, usually have controlling influence. As to such matters, the state courts certainly do not yield to the federal courts—not even to the Supreme Court of the United States. Of course, when the question in a case arises under the Constitution, laws, or treaties of the United States, the state courts are imperatively bound to follow the decisions of the Supreme Court of the United States. In all other cases, they will ordinarily yield great respect to the determinations of that court, though not absolutely concluded by them. In other words, the decisions of the United States Supreme Court are always persuasive, and very strongly persuasive, authority, even in those instances where they can have no binding effect upon a state court.

Though the state courts usually have a controlling influence as to matters of state law, it does not follow that as to such matters the federal courts unhesitatingly follow the state courts. The questions being by hypothesis questions of state law, there is one line of reasoning to the effect that the federal courts should concede the decisions of the state courts to be of imperative authority. On the other hand, there is a line of reasoning to the effect that when the federal courts have jurisdiction, not by reason of the presence of a federal question, but by reason of the citizenship of the parties, the federal courts, acting under the Constitution of the United States, assented to by the citizens of the several states, are acting as bodies duly authorized to determine local law, and hence are in effect state courts, having, as there is no appeal from them to the ordinary state courts, full power to determine what is the law of the state.

The practice is, rather illogically, midway between these two theories. The federal courts do follow the state decisions as to the construction of the State Constitution and of the state statutes, and also as to property law; but they decline to be bound by state decisions, as to questions of commercial law. This distinction is not easy to justify in theory or to apply in practice, and no one would attempt to pre-

dict its future; but at present, by reason of this distinction, the federal courts are tending to develop a general commercial law for the whole country. Besides, the federal courts exercise now and then the inevitable power of any court to disregard state decisions of any sort in case it seems clear that the state courts have made a mistake as to the state law.

§ 22. Same—Decisions of Commission or Temporary Court

The decisions of a commission or other temporary court, even though it be for the time a court of last resort, and hence theoretically capable of establishing the law as firmly as can any court whatsoever, are in practice treated as of somewhat less weight than the decisions of permanent courts exercising the same jurisdiction; but the force of this comment is much weakened when the commission or other temporary court is known to contain lawyers of unusual skill.

As an illustration of the way a decision may be affected by the rank of the court it is of interest to observe that in Nebraska it has been held—*Flint v. Chaloupka*, 72 Neb. 34, 99 N. W. 825, 117 Am. St. Rep. 771—that an opinion formulated by the Supreme Court Commission, which has been designated “unofficial,” is of no value as authority or precedent, and that the doctrine of *stare decisis* has no application to opinions of this character. It was, however, held in *Lancaster County v. McDonald*, 73 Neb. 453, 103 N. W. 78, that opinions prepared by the Commissioners and published officially are in all respects to be regarded as the opinions of the court.

§ 23. Same—Decisions of English and Other Foreign Courts

In this country the decisions of English, Irish, and colonial courts are of simply persuasive authority; and this is true whether the decisions be new or old. Even as to decisions before American independence, this statement requires no material qualification, for the only English court that had jurisdiction over litigation arising in the American colonies was the Judicial Committee of the Privy Council, and the reported decisions of that body in our colonial period are few.

Yet, though the decisions of the ordinary English courts have never been of imperative authority here, their persuasive authority is very strong; for, in the absence of some peculiar reason, the decisions of those courts, composed, as they always have been, of competent judges, and aided, as they always have been, by thoroughly trained counsel, are high evidence of the doctrines of that law which the colonists brought with them, and which the courts and lawyers of this country are still engaged in applying to new conditions. It should be added that English cases commonly have the advantage of being reported concisely, and that many of the English opinions bear the names of judges who are almost as famous here as they are at home.

§ 24. Conclusion—Caution Against Hypercriticism

Although both reason and the practice of skilled lawyers have justified and required all that has been said as to ascertaining the doctrine of a case, discriminating between ratio decidendi and dictum, and commenting upon the circumstances affecting the weight of the decision, there is some danger that the minuteness with which the pitfalls have been pointed out may encourage hypercriticism. It is quite likely that when the reader began to examine this discussion he was disposed to look upon the words of judicial opinions with too slight discrimination, and hence to believe too much; but it is certainly not desirable that he should go to the other extreme, and believe too little. Weak-minded and imaginative persons, upon reading the symptoms described in medical books, are said to imagine that the whole world is a mass of disease; and possibly some persons may get similar views from the preceding discussion of symptoms of weakness in judicial opinions. Symptoms, however, do not prove disease, but simply suggest caution.

There are sound dicta—thousands of them. There are thousands of decisions which are subject to one or another of the comments enumerated, but which, notwithstanding the comments, would be followed by any court, and rightly. Indeed, if courts were to discard all cases upon which some unfavorable comment can be made, they would have little aid from their predecessors. The lawyer must learn from experience when the comments will be received with attention and when with impatience. Yet the brief maker must nevertheless, in anticipation of criticism by opponents or in preparation for criticism of opponents' authorities, prepare memoranda that will enable them to meet or to make all these comments instantly and accurately.²

² Any one desiring to make a thorough and detailed study of the subject of legal precedents will find it worth while to examine Mr. Henry Campbell Black's scholarly work on the "Law of Judicial Precedents," which has just recently been published, and which deals fully with the whole subject.

CHAPTER XXIV

CONSTRUCTION OF STATUTES

- § 1. Introduction.
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 3. Kinds of Statutes.
 4. The Parts of a Statute.
 5. Construction and Interpretation Synonymous.
 6. Object of Construction.
 7. Presumptions.
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 - (a) Penal Statutes.
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§ 1. Introduction

In Chapter VII, in the course of the discussion relating to the examination of statutes as a step to be taken by the brief maker preliminary to his search for authorities, certain more or less mechanical methods of arriving at the construction and application of statutes to the case under investigation were explained. In that connection it was also said that there are numerous special rules for the construction of statutes. It is to these rules that the attention of the reader is now directed.

It must be said, however, by way of introduction, that the interpretation and construction of statutes, using that term in a broad sense as including all enactments, whether by direct or indirect legislation, depends on rules so numerous and technical that a detailed treatment

of them might well fill several large volumes.¹ There are, however, a few elementary and fundamental rules which the brief maker must know and should observe, whenever he is called upon to determine whether the facts of his case are governed by a particular constitutional and statutory provision.

§ 2. Statutes Treated Differently from Decisions

On passing from decisions to statutes there is a vast change in the point of view, and in the mode of ascertaining the rule of law. This is true whether the word "statutes" be used in that wide sense which includes all written law, or in that narrower sense which is intended throughout the following discussion and which distinguishes statutes from constitutions on the one hand and from ordinances on the other.

In dealing with decisions it has been found that the very words of the court promulgating the opinion and making the decision do not determine absolutely the rule of law, but that the rule of law is ascertained by discovering what general proposition was essential to the result reached, and by using the words of the opinion as a mere aid in the ascertaining of that rule, so that, though opinions are written, the authoritative rules derived from them are sometimes not written, but are ascertained by the use of reason, causing case law to be classed as unwritten law—*lex non scripta*, to use the Latin phrase. Not so with statutes, however, for in dealing with statutory law it will be found that the very words are necessarily to be treated as creating and limiting the rule, wherefore statutes are the great example of the written law—*lex scripta*.

There are other less important differences, some of them connected with the one just now emphasized. A decision deals with past events primarily, and it is only incidentally that it affects rights dependent upon future events, whereas a statute primarily looks toward the future, and it is abnormal—often even unconstitutional—for it to attempt to modify rights based upon past facts. A decision deals only with the case actually before the court, and it is only incidentally that the decision indicates the probable result of some other case, even between the same parties, whereas it is of the essence of a statute that it creates a rule of general application. A decision proceeds upon the theory that it follows a rule already in existence, whereas a statute usually professes to introduce a rule that is new. A decision can usually be predicated by a skillful lawyer, whereas no lawyer can predict what statute will be adopted. A decision is almost invariably made by law-

¹ The scope and character of the present work does not permit of our going into these matters in much detail, yet the subject is of great importance, not only to the law student, but to the practicing attorney, the legislator, and all others connected with the originating of laws or the administration of justice. To such is recommended Mr. Henry Campbell Black's work on the "Construction and Interpretation of Statutes," of which the second edition was published in 1911.

yers, and the accompanying opinion is couched in technical language, whereas a statute is often not the work of a lawyer, and, at any rate, is supposed to be capable of being understood by the average layman. All these differences flow from the fact that the giving of a decision is a judicial act, and the making of a statute is a legislative act—the quasi legislative effect of a decision being indirect, and, as far as possible, concealed by the habitual language of lawyers and judges.

§ 3. Kinds of Statutes

According to their nature and purpose, statutes (using the term now in a narrow sense, as excluding constitutions and treaties) may be public or private; declaratory, affirmative, or negative; preceptive, prohibitive, or permissive; prospective or retrospective; remedial or penal. A public statute affects the public at large—that is, the people of the whole state or of a particular portion of the state; while a private statute affects a particular individual, or perhaps a particular association of individuals. A declaratory statute may be one declaratory of the common law, or declaratory of the meaning of an existing statute. A statute is affirmative, if it is expressed in affirmative terms. It is negative, if expressed in negative terms. A statute which is a direct command is preceptive; if it prohibits certain acts, it is prohibitive; if it merely allows certain things to be done, without commanding them, it is permissive. A prospective statute regulates the future; a retrospective statute is one which applies to past events. Remedial statutes are those which are enacted to afford a remedy, or facilitate an existing remedy, or to correct defects, mistakes, and omissions. Penal statutes are those by which punishments are imposed for transgressions of the law, civil as well as criminal.

§ 4. The Parts of a Statute

A statute of complete form contains a title (briefly indicating its nature), a preamble (beginning with "Whereas," and indicating the reasons for the statute, and possibly its general effect), and (beginning with "Be it enacted") the body of the statute, otherwise called the "purview." To various clauses frequently found in the body of the statute descriptive terms of no great value are sometimes attached by lawyers. Thus the half dozen or more words beginning with "Be it enacted," and ending with "that," are termed the enacting clause. A passage explaining the meaning of words is termed an interpretation clause. Passages beginning "Except," or "Provided," or "Nothing in this act shall," are termed "exceptions," "provisos," or "saving clauses," respectively. There may also be included in the body of the statute a repealing clause, and a clause fixing the date when the statute takes effect. The word "purview" appears sometimes to be confined to so much of the body of the statute as would be left by omitting the exceptions, provisos, and saving clauses; and as the word is ambiguous, and not very useful at best, a wise course may be not to use it at all.

§ 5. Construction and Interpretation Synonymous

Some authors have attempted to introduce a distinction between "interpretation" and "construction." Etymologically there is, perhaps, such a distinction; but it has not been accepted by the profession. For practical purposes any such distinction may be ignored, in view of the real object of both interpretation and construction, which is merely to ascertain the meaning and will of the lawmaking body, in order that it may be enforced.

§ 6. Object of Construction

The object of all interpretation and construction of statutes is to ascertain the meaning and intention of the Legislature, to the end that the same may be enforced. This meaning and intention must be sought first of all in the language of the statute itself. For it must be presumed that the means employed by the Legislature to express its will are adequate to the purpose and do express that will correctly. If the language of the statute is plain and free from ambiguity, and expresses a single, definite, and sensible meaning, that meaning is conclusively presumed to be the meaning which the Legislature intended to convey. In other words, the statute must be interpreted literally. Even though the court should be convinced that some other meaning was really intended by the lawmaking power, and even though the literal interpretation should defeat the very purposes of the enactment, still the explicit declaration of the Legislature is the law, and the courts must not depart from it.

If the language of the statute is ambiguous, or lacks precision, or is fairly susceptible of two or more interpretations, the intended meaning of it must be sought by the aid of all pertinent and admissible considerations. But here, as before, the object of the search is the meaning and intention of the Legislature, and the court is not at liberty, merely because it has a choice between two constructions, to substitute for the will of the Legislature its own ideas as to the justice, expediency, or policy of the law. Statutes should be so construed, if possible, as to give effect to all of their clauses and provisions; and each statute should receive such a construction as will make it harmonize with the pre-existing body of law. Antagonism between the act to be interpreted and the previous laws, whether statutory or unwritten, is to be avoided, unless it was clearly the intention of the Legislature that such antagonism should arise.

§ 7. Presumptions

In construing a doubtful or ambiguous statute, the courts will presume that it was the intention of the Legislature to enact a valid, sensible, and just law, and one which should change the prior law no further than may be necessary to effectuate the specific purpose of the act in question. The construction should be in harmony with this assump-

tion, whenever possible. But presumptions of this kind cannot prevail against the clear and explicit terms of the law. And if there is no room for doubt as to the meaning of the Legislature, the courts must take the law as it stands, without any regard to the consequences.

Among the presumptions, which obtain in the interpretation of statutes are the following: That the Legislature does not design any attempt to transcend the rightful limits of its authority; that every act of the Legislature is valid and constitutional, unless the contrary is shown; that the lawmaking body intended to be consistent and just, and not to require an impossibility, or to work public inconvenience or private hardship; that the Legislature intended its enactments to accord with the principles of sound public policy and the interests of public morality; that the Legislature intended to impart to its enactments such meaning as would render them operative and effective, and consequently, in case of any doubt or obscurity, the construction will be such as to carry out these objects.

§ 8. Two Nontechnical Rules

In using statutes, there are two nontechnical rules, which, though not often found in the books, are of primary importance:

First, when a statutory question arises, one should not trust to an inaccurate memory or to a paraphrase, but should examine the very words of the statute.

Secondly, when a statutory question arises, however well acquainted one may be with the very words of the statute, and with the constructions heretofore placed upon them, one should examine the statute anew from the point of view of the new question.

These two rules are derived from the fact that statutory questions are determined not by legal theory, but by verbal criticism. They are doubtless the rules which were in Chief Justice Coke's mind when, having been told that his opinion was desired upon a question of law, he said: "If it be common law, I should be ashamed if I could not give you a ready answer; but, if it be statute law, I should be equally ashamed if I answered you immediately."²

§ 9. Technical Rules of Construction

Assuming that the investigator has familiarized himself with the very words of the statute, and that he has examined those words in the light of the question in hand, the investigator is face to face with the problem of statutory construction, and finds that in solving this problem he is aided by very numerous technical rules. Some of these rules are applicable almost equally well to all written instruments; the others being especially applicable to the written law. All the rules purport to be based upon two principles: First, that what is to be ascertained is the intent of the framers of the words; and, secondly, that this intent is to be gathered from the words themselves.

² Story, *Miscellaneous Writings*, 449.

§ 10. Rules Applicable to All Writings

As said above, many of the rules applied in the construction of statutes are rules that govern the interpretation of all writings. The more important of these rules are explained in the following sections.

§ 11. Same—Ordinary and Technical Words

The words of a statute are to be construed with reference to its subject-matter. If they are susceptible of several meanings, that one is to be adopted which best accords with the subject to which the statute relates. The words of a statute are to be taken in their ordinary and popular meaning, unless they are technical terms or words of art, in which case they are to be understood in their technical sense. For example, "larceny" and "tuberculosis" mean, respectively, larceny as defined by law, and tuberculosis as defined by medicine, while "vehicle" means what an ordinary man would term a vehicle. Dictionaries, of course, are accepted aids in determining the meaning of words. But popular words may bear a technical meaning, and technical words may have a popular signification, and they should be so construed when that is the evident intention of the Legislature, or when it is necessary in order to make the statute operative.

§ 12. Same—Changes in Meaning of Words

Words that have changed in meaning since the framing of the instrument are to be construed as they were understood at that time, for otherwise the construction would alter as time passes. This is an explanation of the decision in *Dartmouth College v. Woodward*, 17 U. S. (4 Wheat.) 518, 4 L. Ed. 629, where a charter of a private corporation was held to be protected from the interference of the Legislature of a state by reason of the clause in the Constitution of the United States which provides that no state shall pass any law impairing the obligation of contracts; for though by legal analysis and definition, as now understood, a corporate charter is not a contract, for the reason that it is a grant, and not a promise, nevertheless, as it is an agreement, it probably fell within the definition of a contract according to the nomenclature of the lawyers of the time of the framing of the Constitution.

§ 13. Same—Context

Words are to be construed in connection with the context, and the entire statute is to be read as one complete instrument. This is a mere outgrowth of the fact that a word standing by itself can hardly be said to have any meaning at all, and that at any rate the surrounding words are absolutely essential to the proper understanding of it.

In the construction of a statute, in order to determine the true intention of the Legislature, the particular clauses and phrases should not be studied as detached and isolated expressions; but the whole and every part of the statute must be considered in fixing the meaning

of any of its parts. Sections, clauses, and provisions of a statute, as well as the particular words and phrases employed, are not to be considered in themselves alone, and construed as if isolated from the rest; but they are to be interpreted with reference to the language surrounding and accompanying them—the context—and if there is any ambiguity or doubt as to their intended meaning, the context must be consulted as a means of removing the obscurity.

Associated words explain and limit each other. When a word used in a statute is ambiguous or vague, its meaning may be made clear and specific by considering the company in which it is found and the meaning of the terms which are associated with it.

All words are to receive force, if possible, and only extreme necessity authorizes treating words as surplusage. This is a result of the natural and respectful view that the person framing the statute used no more words than he deemed necessary to express his meaning.^a

Moreover, words are to be so construed as to attain sense and not nonsense, justice and not injustice, convenience and not inconvenience.

§ 14. Same—Application of Rules of Grammar

It is a general rule of statutory construction that, where general words follow an enumeration of persons or things by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned. But this rule must be discarded where the legislative intention is plain to the contrary. Words in a statute importing the plural number may be made applicable to single persons or things, and vice versa, and words importing the masculine gender may include females, whenever, in either case, such a construction is in accord with the evident meaning and purpose of the Legislature.

Primarily, a statute is to be interpreted according to the ordinary meaning of its words and the proper grammatical effect of their arrangement in the act. But if there is any ambiguity, or if there is room for more than one interpretation, the rules of grammar will be disregarded, where a too strict adherence to them would raise a repugnance or absurdity or would defeat the purpose of the Legislature.

Grammatical and rhetorical inaccuracies are to be ignored, if the sense is clear. To this end, for example, “and” may be read “or,” and “or” may be read “and.”

§ 15. Same—Punctuation

As an aid to the sense, the investigator may appeal to punctuation. An impression to the contrary has been supported by saying that early English statutes were not punctuated, and that pending bills are read aloud, and that hence the punctuation, if any, does not influence legislators. Yet to-day bills are punctuated, and, though they are read

^a *Hurtado v. California*, 110 U. S. 516, 4 Sup. Ct. 292, 28 L. Ed. 232 (1883).

aloud, the printed copy is what the legislators actually depend upon, not to mention that punctuation inevitably affects the emphasis and intonation of a person reading aloud.

The punctuation marks in the published copies of an act are not allowed to control, enlarge, or restrict the plain and evident meaning of the Legislature as disclosed by the language employed. If there is no doubt as to the meaning of the Legislature, other than such as is created by the defective or erroneous punctuation of the statute, the courts will disregard the punctuation marks and read the statute as if correctly punctuated. If the statute is equally open to two constructions, and there is nothing to show which of them was intended by the Legislature, except the punctuation, and if the punctuation would support one of such constructions, but would be inconsistent with the other, the punctuation will govern.

§ 16. Same—Clerical Errors

Clerical errors or misprints, which, if uncorrected, would render the statute unmeaning or nonsensical, or would defeat or impair its intended operation, will not vitiate the act. They will be corrected by the court, and the statute read as amended, provided the true reading is obvious and the real meaning of the Legislature is apparent on the face of the whole enactment.

§ 17. Same—Title and Preamble

The words of a statute are to be so construed as to carry out the general purpose of the statute. To this end, the title and the preamble may be used. But the title of a statute cannot control or vary the meaning of the enacting part, if the latter is plain and unambiguous. But if there is doubt or obscurity in the body of the act, the title may be consulted, as a guide to the probable meaning of the Legislature, and should be accorded some weight in the interpretation. Especially is this the case in those states whose constitutions require the subject of the act to be expressed in the title. The preamble to a statute can neither expand nor control the scope and application of the enacting clause, when the latter is clear and explicit. But if the language of the body of the act is obscure or ambiguous, the preamble may be consulted, as an aid in determining the reason of the law and the object of the Legislature, and thus arriving at the true construction of the terms employed.

§ 18. Same—Resorting to Extraneous Evidence

In the interpretation of a statute, if a doubt or uncertainty as to the meaning of the Legislature cannot be removed by a consideration of the act itself and its various parts, recourse may be had to extraneous facts, circumstances, and means of explanation, for the purpose of determining the legislative intent; but those only are admissible which are

logically connected with the act in question, or authentic, or inherently entitled to respectful consideration.

When a resort to extrinsic evidence becomes necessary in the construction of a statute, it is proper to consider the facts of contemporary history, and especially the evil which the statute was designed to correct, and the remedy intended.

But any use of matters outside the body of the statute must be cautious and sparing, for a statute is within the reason of the rule that prohibits contradicting or varying a solemn document by parol evidence.

§ 19. Rules Especially Applicable to Written Law

Like the rules explained in the preceding sections, the rules of construction especially applicable to the written law profess to seek the expressed intent of the legislative body; but it will be found that the rules of this second group sometimes actually defeat that intent. A few of the most important rules of this second group will now be stated.

§ 20. Same—Validity of Statute

The words of a statute are to be so construed, if possible, as to prevent the statute from being declared invalid for unconstitutionality or repugnancy. This rule may partially ignore the actual intent of the legislative body, but it certainly does aid part of that intent, for the intent certainly was, among other things, that the statute should have some effect.

A retrospective law is one which looks backward or contemplates the past—one which is made to affect acts or transactions occurring before it came into effect, or rights already accrued, and which imparts to them characteristics, or ascribes to them effects, which were not inherent in their nature in the contemplation of the law as it stood at the time of their occurrence. Except in the case of remedial statutes and those which relate to procedure in the courts, it is a general rule that acts of the Legislature will not be so construed as to make them operate retrospectively, unless the Legislature has explicitly declared its intention that they should so operate, or unless such intention appears by necessary implications from the nature and words of the act so clearly as to leave no room for a reasonable doubt on the subject. When the effect of giving to a statute a retrospective construction would be to make it destroy or impair vested rights, or impose new penalties, forfeitures, liabilities, or disabilities, such construction will be avoided, and the statute will be held to apply to future acts and cases only, provided that this can be done by any reasonable interpretation of the language used by the Legislature.

As will be pointed out in a subsequent section, remedial statutes are to be liberally construed; and if a retrospective interpretation will promote the ends of justice and further the design of the Legislature in

enacting them, or make them applicable to cases which are within the reason and spirit of the enactment, though not within its direct words, they should receive such a construction, provided it is not inconsistent with the language employed.

§ 21. Same—Statutes in *Pari Materia*

Statutes in *pari materia* are to be construed together. Each legislative act is to be interpreted with reference to other acts relating to the same matter or subject. Similarly the words of one of a series of statutes will be construed as if that statute and its predecessors in the series constituted but one statute.

§ 22. Same—Construction in Light of Existing Law

Generally, the words of the statute are to be construed in the light of the pre-existing law. The reason for this rule is simply that the pre-existing law was part of the atmosphere that surrounded and suggested the new statute, and the new statute cannot be thoroughly understood if isolated from its cause. To quote the words of Chief Justice Coke, the prior law is "the very lock and key to set open the windows of the statute."⁴

Since the English common law, in so far as it is applicable to this country and has not been abrogated or changed by constitutional or statutory enactments, is in force in the several American states, statutes are to be read in the light of the common law and construed with reference thereto. It is, however, a rule generally observed, unless prohibited by statute, that acts of the Legislature made in derogation of the common law will not be extended by construction; that is to say, the Legislature will not be presumed to intend innovations upon the common law.

§ 23. Same—Strict or Liberal Construction

Strict construction of a statute is that which refuses to expand the law by implications or equitable considerations, but confines its operation to cases which are clearly within the letter of the statute, as well as within its spirit or reason, not so as to defeat the manifest purpose of the Legislature, but so as to resolve all reasonable doubts against the applicability of the statute to the particular case.

Liberal construction, on the other hand, expands the meaning of the statute to embrace cases which are clearly within the spirit or reason of the law, or within the evil which it was designed to remedy, provided such an interpretation is not inconsistent with the language used. It resolves all reasonable doubts in favor of the applicability of the statute to the particular case.

(a) *Penal Statutes*

The general rule is that penal statutes are to be construed strictly. By the word "penal" in this connection is meant not only such statutes as in terms impose a fine, or corporal punishment, or forfeiture as a

⁴ 2 Co. Inst. 308.

consequence of violating laws, but also all acts which impose by way of punishment damages beyond compensation for the benefit of the injured party, or which impose any special burden, or take away or impair any privilege or right. Familiar examples are usury laws, civil damage laws, statutes giving double or treble damages, imposing liability on stockholders, etc.

This rule is dictated by a humane spirit, rather than by an attempt to ascertain legislative intent; but it is theoretically turned into a rule of intent by the assumption that the rule is known to the legislative body, and that consequently the words of the penal statute were meant to be construed thus.

(b) *Remedial Statutes*

On the other hand, remedial statutes are to be construed liberally. This rule is so applied as to extend the statute beyond its actual language to cases within its reason and general intent.

In this class of statutes are to be included those which supply defects or abridge superfluities in the common law, or which are designed to remedy defects in the pre-existing body of statute law. Acts which tend to simplify procedure are also classed as remedial statutes. Statutes of limitation are statutes of repose, and remedial in their nature, and consequently their purpose should not be defeated by undue strictness of construction.

§ 24. **Same—Conditions Not within Legislative Intent**

Even when the words of the statute are unambiguous and harmonize well with the declared intent of the statute, they are to be construed as not applying to a state of facts within their apparent meaning, in case the court be convinced, by a sort of judicial notice, that the facts do not come within the actual legislative intent. This seems to be a necessary doctrine, for surely there should be judicial power to declare that the saloon keeper whose saloon doors have been opened by an earthquake is not liable to the penalties which a statute may provide, without qualification, for any saloon keeper whose saloon is on the Sabbath found to be open.

Clearly, however, it is a perplexing doctrine, as is sufficiently shown by the diversity of decisions upon the criminal responsibility of morally innocent persons who sell diseased meat, and the like, and are prosecuted under statutes which provide fine or imprisonment as the consequence of the sale of such an article, and which fail to take into account possible innocence—a natural diversity of decisions, since on the one side lies the general assumption that morally innocent persons are not to be punished criminally, and on the other side lies the obvious fact that what the Legislature may well wish is to prevent the sale of deleterious food by taking steps which will remove from the public the necessity of proving knowledge, and will place upon the seller the strongest possible motive for using extraordinary care.

In the Supreme Court of the United States the case of *Church of the Holy Trinity v. United States*, 143 U. S. 457, 12 Sup. Ct. 511, 36 L. Ed. 226, has afforded an interesting instance of the exercise of the judicial power to go behind the expressed intent of the Legislature, and to restrain clear language by what is taken to have been the actual intent. The question was whether employing a pastor for a church was prohibited by a statute which made it "unlawful for any person, company, partnership, or corporation, in any manner whatsoever * * * to * * * encourage the importation or migration of any alien * * * under contract * * * to perform labor or service of any kind." The court decided that the statute did not apply to the importation of a clergyman, for, though it was conceded that the relation of a rector to his church is one of service, and implies labor, and that the statute guarded against narrow interpretation by saying "labor or service of any kind," and by excepting, in one of the sections, actors, artists, lecturers, singers, and domestic servants, Brewer, J., for the court, said:

"We cannot think Congress intended to denounce with penalties a transaction like that in the present case. * * * No purpose of action against religion can be imputed to any legislation, state or national, because this is a religious people. * * * Shall it be believed that a Congress of the United States intended to make it a misdemeanor for a church of this country to contract for the services of a Christian minister residing in another nation? Suppose in the Congress that passed this act some member had offered a bill which in terms declared that * * * such contract should be adjudged unlawful and void, and the church making it be subject to prosecution and punishment; can it be believed that it would have received a minute of approving thought or a single vote?"

The decision proceeded also upon the ground that the title of the act spoke only of agreements "to perform labor," and thus suggested manual labor only, and upon the ground that the evil to be remedied was notoriously the importation of unskilled laborers, and upon the ground that this was shown by the petitions and testimony laid before Congress, and by the report of one of the committees recommending the passage of the bill; but the chief ground upon which the decision proceeded was the peculiarly important one just now discussed.

§ 25. The Necessity for Going Beyond the Rules of Construction

Even if the enumeration of rules of construction were complete, as it certainly is not, it would be necessary to caution the investigator that mere rules of construction, however skilfully applied, cannot tell all that it is necessary to know about a statute's effect and weight. The more important additional topics for examination will now be discussed.

§ 26. Ascertaining Precise Terms of Statute

In Chapter VII, in discussing the examination of statutes, reference was made to the necessity for ascertaining the precise terms of the statute. It will do no harm to call attention again to the more general rules to be observed.

It is not always advisable to assume the precise accuracy of the terms of the statute as given even in an official publication. When a revision has not been adopted as a statute, it is well to examine the session laws in order to ascertain the exact terms, including in some cases the punctuation. So, too, in important cases it may be well to check the session laws by examining the legislative records. Even when a revision has been adopted as a statute, it may be well to go back to the session laws⁵ and the legislative records, and then to discuss whether changes found in the revision were intended to make a change in the law; and in this investigation it may be useful to examine the drafts and annotations and reports prepared by the commissioners who made the revision.

§ 27. Subsequent Legislation

Although the terms of the statute are ascertained, and the statute cannot be attacked on the ground of original invalidity, subsequent legislation may have affected it fatally, or at least substantially.

(1) A state statute may have been superseded by a statute of the United States. This is a very intricate problem discussed in works on Constitutional Law.

(2) The statute may have been expressly repealed. This is an easy matter to ascertain, as in every jurisdiction there are probably lists of repealed statutes in an appendix to each volume of the session laws, or in some other readily accessible place.

(3) The statute may have been repealed by implication. This is a point not usually covered by lists of repealed statutes. The doctrine of repeal by implication is difficult to apply, and is not favored by the courts.

(4) The statute may have been amended. Amendments are not difficult to discover, as they are commonly listed in the same place as express repeals.

An original act and an amendment to it should be read and construed as one act. An amendatory statute is to be confined, in its scope and operation, to the limits of the act to which it is an amendment, unless the intention of the Legislature to give it a wider field of operation is manifest. Where an amendment is made by declaring that the original statute "shall be amended so as to read as follows," retaining part of the original statute and incorporating therein new provisions, the effect is not to repeal, and then re-enact, the part retained; but such part remains in force as from the time of the original enactment, while the new provisions become operative at the time the amendatory act goes into effect, and all such portions of the original statute as are omitted

⁵ *Conger v. Barker's Adm'r*, 11 Ohio St. 1 (1860); *In re Hinton's Estate*, 64 Ohio St. 435, 60 N. E. 621 (1901).

from the amendatory act are abrogated thereby, and are thereafter no part of the statute.

§ 28. Construction Already Made

It may be found on investigation that the proper construction of the statute is not wholly an open question, for the reason that constructions have already been made by the courts or by the persons whose duty it is to enforce the statute. Let us consider briefly this phase of the subject.

§ 29. Same—Judicial Construction

The statute may have been already construed by decisions in the courts of the jurisdiction in which the statute is in force. Such decisions, within the rules explained above in the discussion of the use of decisions, are of either imperative or persuasive authority; and, if of imperative authority, they become, in effect, part of the statute itself and thereafter preclude inconsistent constructions, with the limitation that such decisions, like all decisions, are capable of being overruled. The judicial constructions of some statutes have been so numerous as to have become at least as important as the statutes themselves. This is true of the statute of frauds.

Now and then judicial construction is carried on in such a hostile spirit that statutes are in effect abrogated or at least amended. Thus by judicial action the statute of limitations was practically amended through the creation of the doctrine of new promises.

It should be added, as indicated by what has already been developed in discussing decisions, that the construction placed upon federal statutes by the federal courts is binding upon the state courts, and that the construction placed upon a state statute by the court of last resort of that state is followed in the federal courts, unless it be obviously wrong, and that on a question of property even an obviously wrong construction by the state court would be likely to be followed in case it could be said to have become a settled local rule.⁶

(a) *Statute Taken from Another State*

If the statute was copied from a statute already in force in another jurisdiction, it is understood to have been adopted with the construction which the courts of that jurisdiction had already attached to it. It should not be inferred, however, that subsequent decisions in that jurisdiction are of any greater influence than decisions in any other jurisdiction.⁷

(b) *Statutes Common to Several States*

When a statute has been adopted by a number of states which are attempting to establish, as to some matters, at least, a uniform system of law, the decisions of any one of these states as to the construction of the common statute cannot avoid being treated with unusual atten-

⁶ *Williams v. Kirkland*, 13 Wall. 306, 20 L. Ed. 683 (1871); *Burgess v. Seligman*, 107 U. S. 20, 2 Sup. Ct. 10, 27 L. Ed. 359 (1882).

⁷ *Cathcart v. Robinson*, 5 Pet. 264, 8 L. Ed. 120 (1831).

tion; for the initial uniformity would easily be overthrown by discordant constructions. At present this line of thought is especially applicable to the negotiable instruments law, already adopted in many of the states.

§ 30. Same—Practical Construction

When the meaning of a statute is doubtful, a practical construction put upon it at the time of its passage, or soon afterwards, and universally acquiesced in for a long period of time, as shown by a general usage, will be entitled to great weight, and will be accepted as the true construction, unless there are cogent reasons to the contrary. A practical construction put upon a doubtful or ambiguous statute by the officers of the executive department, who are charged with its execution, if long acted upon and generally acquiesced in, is regarded as strong evidence of the true meaning of the law; and though it is not binding upon the courts, they will not interpret the law differently, unless there are weighty reasons for so doing.

§ 31. Same—Legislative Construction

A construction put upon a statute by the Legislature itself, by a subsequent act or resolution, cannot control the judgment of the courts; but it is entitled to weight and consideration in case of doubt or obscurity. In aid of the interpretation of an ambiguous statute, or one which is susceptible of several different constructions, it is proper for the courts to study the history of the bill in its progress through the Legislature, by examining the legislative journals. Opinions of individual members of the Legislature which passed a statute, expressed by them in debate or otherwise, as to the meaning, scope, or effect of the act, cannot be accepted by the courts as authority on the question of its interpretation, and, if received at all, are entitled to but little weight.

§ 32. English Statutes

As the discussion of statutes has been intended to cover only topics of practical importance, matters of purely theoretical or antiquarian interest have been omitted. Hence nothing has been said upon the extent to which English statutes adopted before American independence were once in force in the American colonies, and are now, unless repealed, in force in the states. Upon this topic there is difference of opinion, but in each state the matter is probably thoroughly settled by statute or by judicial decision.*

§ 33. Constitutions and Ordinances

The preceding discussion as to statutes has been directed chiefly toward statutes, strictly so called, as distinguished from constitutions and ordinances. Yet the greater part of the discussion is applicable to those other kinds of written law.

A constitution is not to be interpreted on narrow and technical prin-

* *Pierson v. Lane*, 60 Iowa, 60, 14 N. W. 90 (1882).

ciples, but liberally and on broad general lines, in order that it may accomplish the objects of its establishment and carry out the great principles of government. It is therefore a cardinal rule in the interpretation of a constitution that the instrument must be so construed as to give effect to the intention of the people who adopted it. This intention is to be sought in the instrument itself, and the apparent meaning of the words employed is to be taken as expressing this intention, unless such an assumption would lead to absurdity, ambiguity, or contradiction. In case of ambiguity the whole constitution is to be examined, in order to determine the meaning of any part, and the construction is to be such as to give effect to the entire instrument, and not to raise any conflict between its parts which can be avoided.

The words employed are to be taken in their natural and popular sense, unless they are technical, legal terms, in which case they are to be taken in their technical signification. If, however, the ambiguity cannot be cleared up by consideration of the constitution itself, then, in order to determine its meaning and purpose, resort may be had to extraneous facts, such as the prior state of the law, the evil to be remedied, the circumstances of contemporary history, or the discussions of the constitutional convention. So, too, the contemporary construction of the constitution, especially if universally adopted, and also its practical construction, if acquiesced in for a long period of time, are valuable aids in determining its meaning and intention in case of doubt. Such aids must, however, be resorted to with caution and reserve, and should never be allowed to abrogate, contradict, enlarge, or restrict the plain and obvious meaning of the text.

The principle of *stare decisis*, to which reference has already been made in treating of decisions, applies with special force to the construction of constitutions, and an interpretation once deliberately put on the provisions of such an instrument should not be departed from without grave reasons.

PART IV
THE TRIAL BRIEF

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CHAPTER XXV

THE TRIAL BRIEF

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 3. The Provisional Hypothesis.
 4. Choice of a Theory.
 5. Theory of Defendant.
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§ 1. Introduction

The object of the preceding chapters is to show the brief maker where to find the material for his brief, how to find it, and how to select out of the mass of material found that which will be suitable for his use.

The purpose of this search for and selection of material is to make a proper presentation to the court of the controversy in relation to which a final adjudication is desired. Hence it is necessary now that we should point out the way the material collected should be used to the best advantage.

It is obvious that there are two uses to which this material may be put. It may be used on the trial of the action, and again on the hearing of an appeal from the judgment of the trial court, if such appeal is taken. A discussion of the methods of handling the material for the presentation of the case on appeal will be found in the succeeding lesson. The purpose of this lesson is to outline a course of investigation suitable to the preparation of a case for trial, and to suggest methods of making the material collected during the search for authorities readily available. As these lessons are not intended to teach trial prac-

tice, an extended discussion of the general subject of "Preparation for Trial" would manifestly be out of place. There are, however, certain phases of the subject that may properly be touched upon because of their intimate relation to the subject of the lessons—brief-making and the use of law books. Preliminary work is often done to little purpose, for the reason that the results are not systematically worked out and embodied in a convenient and easily accessible form, where they can be turned to at a moment's notice as the necessity arises in the course of the trial. In other words, too little attention is frequently given to the preparation of a comprehensive and well-arranged trial brief.

§ 2. The Theory of the Case

The first aim in the search for authorities is the ascertainment of a proper theory of the case. The theory of the case has been defined as "a comprehensive and orderly mental arrangement of principles and facts, conceived and constructed for the purpose of securing a judgment or decree of a court in favor of a litigant." Another writer defines it as the particular line of reasoning of either party to a suit, which aims to bring together certain facts of the case in a certain order or logical sequence, and to correlate them in such a manner as to produce in the mind a definite result or conclusion, which the advocate believes entitles him to the judgment or decree of the court, in view of the application to such result or conclusion of certain principles of law.² The theory thus constructed lies at the foundation of the case. Not only must the pleadings be drawn in accordance therewith; but if the trial is to be conducted in a logical, orderly, and forceful manner, productive of the best results, the introduction of evidence, the request for instructions, and the argument to the court must follow the theory and be governed by it.³

The importance of a well-defined theory of the case does not end with the trial court. The theory on which the case is tried in the lower court must be adhered to on appeal.⁴ Thus, if the theory of the case on the trial is that a contract is valid, the party cannot on appeal assert its illegality.⁵ So, if the action is in tort, the plaintiff cannot on appeal base his right to recover on contract. This principle does not, of course, prohibit the adoption of a new line of argument or authorities. Within the scope of the theory of the case, a party may bring to his aid all arguments and authorities he may command. The rule simply prohibits the taking of a new general position or the presentation of a new and independent issue.

§ 3. The Provisional Hypothesis

In seeking a sound theory, the first step must consist in the formulation of a provisional hypothesis as a guide in the search for authorities. The hypothesis thus provisionally adopted may or may not prove to be

¹ Elliott, *General Practice*, vol. 1, § 93.

² Robbins, *American Advocacy*, p. 7.

³ *Terre Haute & I. R. Co. v. McCorkle*, 140 Ind. 613, 40 N. E. 62.

⁴ *Lesser Cotton Co. v. St. Louis, I. M. & S. Ry. Co.*, 114 Fed. 133, 52 C. C. A. 95.

⁵ *Russell v. Rosenbaum*, 24 Neb. 769, 40 N. W. 287.

⁶ *Lockwood v. Quackenbush*, 83 N. Y. 607; *Salisbury v. Howe*, 87 N. Y. 123.

the final theory of the case. Of necessity, it must at first be only an hypothesis—a guess. It merely gives a definite direction to the search for authorities. A thorough investigation may show that it is wholly false. But even in such a case it may lead to a real solution of the problem, and enable the investigator to formulate the true theory of the case. That is to say, a comprehensive study pursued along the line of a false hypothesis may lead to a line of authorities pointing out the real principle by which the case is governed. Of course, in many instances, the working hypothesis will, on investigation, prove to be correct, and thus become the theory of the case.

The formulation of a provisional hypothesis, to be of value, requires a careful and discriminating analysis of the facts and the law. Although provisional, it must be thorough; for carelessly and hastily drawn conclusions lead only to distorted views. The more carefully this provisional hypothesis is searched for and tested, the more certainly will the investigation of the case along the lines indicated by such hypothesis lead to the theory sought.

§ 4. Choice of a Theory

The problem presented by the statement of facts may, sometimes, be capable of solution on more than one theory. The most familiar examples are the cases in which the party may have a remedy both at law and in equity, and those cases under the facts of which the party may sue on contract or in tort. In the first class of cases the question of submission to a jury, or the character of the relief desired, or the personal responsibility of the defendant, may be controlling in the selection of the theory. A choice between tort and contract is frequently to be determined by the question of proof; that is to say, that theory should be adopted under which it is most easy to prove the case.

Sometimes a fact essential under one theory cannot be proved, whereas under the other theory all the essential facts can be established. For example, suppose the plaintiff purchases a tract of land from defendant at a price of \$100 per acre. On the representation that there are 100 acres in the tract he pays defendant \$10,000. It is subsequently discovered that there are only 90 acres in the tract. The plaintiff's attorney brings his action for fraud. He is unable to recover, because he cannot prove the fraudulent intent of the vendor; whereas, if he had brought his action on the contract, he might have recovered on the ground that money paid for land in excess of the real quantity, on representations made by the vendor which were untrue, though not fraudulent, may be recovered back.⁷ Here the theory of the case was wrong, because of lack of facts to sustain it.

Again, where the action might be in tort or contract, the choice of a theory may be determined by the fact that the period within which the cause of action on contract would be barred differs from the period within which an action in tort, arising out of the same facts, would be

⁷ *Salisbury v. Howe*, 87 N. Y. 128.

barred. So, too, the rules as to amount of the damages recoverable may be decisive of the question, or one may choose a theory which will enable him to join several different counts in the same declaration, or complications in regard to parties may determine one whether to sue in tort or contract.

Most commonly, however, there is really no choice, and among a number of apparent theories only one is legally tenable. Many a case is lost which might have been won, had the suit been brought on a different theory. The difficulty in such cases consists in a misapprehension of the rules of law, in a misunderstanding of the facts, or in a misapplication of legal principles. These three sources of danger must be avoided. A mistake in any one will produce an unsound theory, upon which no recovery can be had. Thus, if one wished to sue for personal injuries suffered by a brakeman in a railroad collision, he might lose his case under the fellow servant rule if he proceeded on the theory that the negligence of the engineer caused the injury; whereas he might recover on the theory that the accident happened by reason of a dangerous combination of tracks, switches, or other elements which made an unsafe place in which to work. Or he might be forced to admit the engineer's negligence as the immediate cause of the collision, but might, perhaps, escape the fellow servant rule by adopting the theory that the railroad company negligently employed an incompetent man in that position. It is frequently a difficult thing to determine what particular breach of duty on defendant's part caused an injury, and a case which would be lost on a theory involving one breach of duty might be won on a theory based upon another.

The books are full of cases where a party has gone into equity only to find that he has mistaken the true theory of his case and must sue at law. An action is often brought on the theory of a quasi contract which should have been brought on the theory that the contract was express or implied, and vice versa. The statute of frauds may frequently be avoided by a little ingenuity in selecting a theory. Illustrations of the importance of this problem of developing a proper theory upon which to sue might be indefinitely extended. Upon the lawyer's success in solving it will very often depend the success or failure of the case.

In those jurisdictions where the practice of setting up the same cause of action in different counts is permitted, it is often prudent to prepare for trial on more than one theory, if the attorney is in doubt as to the precise rule of law applicable to the case, or as to what the evidence will disclose. In such cases each theory must be embodied in a separate count, and must be worked out in the same way and with the same care as if there were no other. At the trial the attorney can thus avail himself of whatever one of several legal principles may appeal to the judge as the true rule in the case, or of whatever state of facts may be brought out in the evidence.

§ 5. Theory of Defendant

What has been said regarding the theory of the case, though apparently referring to the plaintiff's case alone, is in large part equally applicable to the defense. That is to say, the attorney for the defense should work out his theory of the case along similar lines, by a careful analysis of the facts and an investigation of authorities, for the purpose of discovering the principles controlling the facts. A logical, consistent, and sound theory is as important to a successful defense as it is to the plaintiff's case.

§ 6. Theory of the Case as Modified by Adversary's Theory

In order that his client's case should be fully safeguarded, the attorney should, in formulating his theory of the case, take into careful consideration the theory of his adversary as disclosed in the pleadings. If the theory is not discoverable there, he should, from his own standpoint, try to discover on what possible theory his adversary may rely, and prepare to meet it. If his search for the law has been properly pursued with the view of exhausting the authorities, he has probably discovered a number of cases adverse to his theory. A study of these authorities will doubtless disclose to him the possible answers to his theory. In other words, the attorney should prepare the law of his opponent's case as well as his own, thus qualifying himself to meet the counter attack of his adversary and to defend his own position. This study of his opponent's theory will also show him wherein his own theory of the case is weak, thus enabling him to modify it in order to meet and overcome that of his opponent.

§ 7. The Trial Brief

The results of his thorough and careful study of the facts and law should be embodied in a trial brief. Such a document, though in use to some extent, is by no means common. Generally the only brief in use is the brief on appeal, which is prepared for the use of the appellate court. Any abstract or memorandum intended as a guide in the trial of the case may be called a "brief." In England the solicitor prepares a "brief" for the use of the barrister; but this brief is only an abstract of the pleadings and facts to inform the barrister what the case is, and does not in any way deal with the law of the case. The trial brief, with which this and the following sections are concerned, partakes somewhat of the nature of both the English brief and the American brief on appeal. It is intended for the guidance of the attorney at the trial, however, and not primarily to assist the court, though it is sometimes handed to the trial judge at the conclusion of the argument, when questions of law are reserved.

The importance of the trial brief can hardly be overestimated. The proper preparation of the brief means a thorough study and analysis

of the facts, a careful and exhaustive search for authorities, which must in turn be thoroughly analyzed, compared, and weighed to determine their value, and, finally, an arrangement of the facts and the law in logical order, corresponding to the theory of the case. To the young lawyer this sort of preparation for trial is invaluable, insuring, as it does, a thorough preparation difficult to obtain otherwise. In the larger offices, where one member of the firm does the court work, while other members or the clerks in the office prepare the cases for trial, the trial brief is almost indispensable.

§ 8. Form and Contents of Trial Brief

The trial brief, since it is for the guidance of the trial attorney, should contain all the information necessary to enable him to properly introduce the evidence in accordance with the issues and the theory of the case and to present the law in support of that theory. It should therefore contain the following elements: (1) An abstract of the pleadings; (2) a statement of the facts to be proved; (3) a brief of the evidence; (4) a statement of the facts to be proved by the adversary; (5) a brief of the law of the case.

§ 9. Same—Abstract of the Pleadings

The trial attorney must have clearly in mind at all times the exact issues raised by the pleadings. This is essential, not only to the proper introduction of evidence on behalf of his client, but also to prevent the introduction of incompetent evidence by the other party. Consequently it is important that the trial brief should contain an abstract of the pleadings of both plaintiff and defendant. This abstract should be full enough to show clearly the issues in the case. If the pleadings themselves are voluminous, there should be inserted in the abstract references to the pages, folios, or counts of the pleadings, in order to facilitate reference to the original, should such reference become necessary.

§ 10. Same—Statement of Facts to be Proved

It is important that the trial brief should also contain a statement of the facts which must be proved in order to sustain the cause of action or the defense. Cases have sometimes been lost because the attorney has, in his eagerness to reach the disputed facts in the case, overlooked some portion of the formal proof, which was, nevertheless, essential to his case. Thus attorneys have been known to overlook such an essential part of the case as the venue in a criminal prosecution, or have forgotten to prove a demand in cases where a demand is necessary to the right of action. Therefore, to guard against such accidents, the trial brief should contain a schedule of the facts which must be proved, with the names of witnesses by whom proof can be made.

§ 11. Same—Brief of the Evidence

The brief of the evidence should not be arranged wholly in order of the facts, but, in so far as the oral testimony is concerned, by the names of the witnesses in the order in which they are to be called, with a synopsis of the facts to be testified to by each witness. In preparing the brief, if the synopsis is checked with the statement of facts to be proved, the danger of overlooking any fact necessary to be proved is as nearly as possible eliminated, and, by attention to the details of the proof, the necessity of recalling a witness for the purpose of bringing out some fact that has been overlooked is avoided.

If part of the proof is documentary, the nature of the document and the facts for which it is proof should be included in the brief of evidence, as far as possible in connection with the evidence of the witness who is to identify or prove the document. If the documents themselves are arranged in the same order, their introduction in evidence is facilitated.

It may be that the attorney can anticipate that certain objections will be raised to the admission of some of the evidence. If such is the case, he should prepare himself on the law relating thereto, and, in connection with the evidence itself, abstract and cite the authorities on which he relies to oppose or obviate the objection. If for any reason, such as the length of the abstract or the number of citations, it does not seem advisable to insert such matter in the brief of evidence, it can be briefed on a subsequent page, with proper reference to the place where it can be found.

§ 12. Same—Facts to be Proved by Adversary

Reference has been made to the necessity of preparing the adversary's case. To the extent that the attorney may be able to anticipate the adversary's theory, he should also include in the trial brief a statement of the facts necessary to sustain that theory. In so far, too, as he can anticipate his adversary's evidence and mode of proof, he should formulate his objections to the proof and prepare the law to sustain such objections.

§ 13. Same—The Law of the Case

To be of real value, the trial brief must cover both the facts and the law of the case. The two are interdependent. Facts alone are meaningless. Legal principles alone are without significance. It is only when the two are properly brought together that rights and liabilities can be determined. Hence the trial brief, while it may, perhaps, be less exhaustive as a presentation of legal argument than the brief on appeal, must nevertheless contain a full reference to the authorities upon which the theory of the case and all its incidents depend. It should contain in itself a sufficient statement of the law, as well as

of the facts, to fully sustain every contention which the attorney may find it necessary to make in connection with every phase of his case.

(a) *Briefing Statutes*

If it is determined that the case is governed or in any way affected by a statute or a provision of the constitution, such statute or provision should be set out in the trial brief. If too long to be quoted in full, those portions which are of chief importance should be literally transcribed and the other portions abstracted. Usually so much depends upon the exact wording of a constitutional or statutory enactment that it is unsafe to rely to any great extent upon abstracts or condensations. There should be appended to the quotation or abstract full references to all important cases in which the provision has been construed, so that the trial brief may show on its face the exact meaning and scope which the courts have assigned to it.

(b) *Briefing the Case Law*

In cases which turn largely upon issues of fact, and in which no difficult questions of law are involved, this feature of the trial brief will be comparatively simple. But many cases are complicated by legal principles which are themselves in a state of doubt and confusion, or by facts which give rise to many serious perplexities as to the rules of law properly applicable thereto. Whenever such legal questions are involved, the trial brief should cover them clearly and comprehensively. Each proposition of law involved should be concisely set out, followed by citations of cases supporting it, with abstracts of the more important decisions, sufficiently full to show their scope and application. Such abstracts should be carefully prepared, and should be strictly honest, uncolored by the personal views or prejudices of the attorney. Words of comment may be added to indicate points of special strength or weakness in the decision, but such comment should form no part of the abstract of the case.

It is often a matter of some difficulty to determine to what extent the citation and abstracting of cases should be carried in the trial brief. An exhaustive search will usually result in the discovery of a large number of authorities. How many of them should appear in the trial brief? Probably all those which are binding upon the court which tries the case should be cited, and the more important of them abstracted. If there is a dearth of such cases in that jurisdiction, resort must be had to decisions in other jurisdictions; those being selected which are the best reasoned and which are most nearly parallel to the case at bar. In any event it is better to have too many than too few, and usually, if a case is worth mentioning, it is worth being quoted from or briefly abstracted. Cases not used in the trial brief should, nevertheless, be preserved, if of any value, as they may be needed in preparing the brief on appeal, should the case be taken up.

Cases which are likely to be used as authorities by the other party should also be abstracted, with comments thereon, showing, if possible, wherein they may be distinguished, or pointing out circumstances tending to impair their value, if such can be found.

(c) *Instructions for the Jury*

It is advisable that there be included in the trial brief a draft of such instructions as the attorney believes should be given and which he intends to ask the court to give. He cannot always determine beforehand all the instructions he may wish to request; but he can anticipate many of them, and his preliminary draft will prove very helpful when the time comes to present his requests to the court. Such draft should be accompanied by ample references to the authorities upon which the instructions are based, or to such parts of the trial brief as cover the points of law involved in the instructions.

§ 14. Use of the Trial Brief

Though the most important general purpose served by the trial brief is its use for the guidance of the attorney on the trial of the cause, in the introduction of evidence, and the argument of the questions of law arising during the trial, the brief may be of considerable use after the trial is over. The information it contains may be of great value in the event of a motion for a new trial or a motion in arrest of judgment; and if an appeal is taken the existence of a well-prepared trial brief will be found to save an immense amount of labor. As the theory on which the case was tried must be adhered to on appeal, such a brief, supplemented by notes taken on the trial, will bring to hand the larger portion of the material necessary in the preparation of the brief to be filed in the appellate court.

PART V

THE BRIEF ON APPEAL

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CHAPTER XXVI

THE BRIEF ON APPEAL

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§ 1. Introduction

The principal object of the preceding chapters has been to instruct the reader in the sources of, and the methods of gathering and selecting, the material necessary to a proper presentation to the appellate court of the controversy in relation to which a final adjudication is desired. The material thus gathered and selected must now be embodied in a Brief on Appeal. The cause has been heard in the trial court, a decision has been made, and that decision has by proper steps been brought before the appellate court to be reviewed. To that end the appellate court must be informed as to the nature of the controversy, the facts out of which it arose, the decision of the trial court, the grounds on which a review is asked and the reasons why the decision should be reversed. This information is given to the court in the Brief on Appeal.

§ 2. Definition

In American appellate practice a brief is a document, prepared by counsel as a basis for oral argument of a cause in an appellate court, containing a statement of the manner in which the questions in controversy upon the appeal arise; of the facts of the case so far as they relate to these questions; a specification on the part of the plaintiff in error or appellant of the errors alleged to have been committed by the court below, upon which reversal is asked for; and a brief of the argument, consisting of the propositions of law or fact to be maintained, the reasons upon which they are based, and citation of authorities in their support. In most jurisdictions it is required that the brief shall be printed.

A document bearing the same name, and of the same general character—excepting, of course, the specification of errors—is also used in American practice in courts of first instance, on arguments of contested motions, demurrers, and in other proceedings of a like nature.

No instrument of this character is in use in England. The procedure of the House of Lords and Judicial Committee requires printed cases to be deposited, but these are no clear guide to the points upon which counsel will rely, are in narrative form, and do not cite authorities;¹ and the document which is known as a brief in the English practice is not one which is used upon appeal, but is prepared by the solicitor for each party prior to the trial of the action, is delivered to the barrister for his instruction at the trial or hearing, and contains a short abstract of the pleadings, a clear and concise statement of the case, and a proper arrangement of the proofs, with the names of the witnesses.²

§ 3. Purpose of a Brief

As indicated by what has been said above, the purpose of the brief on appeal is to call the attention of the appellate court to the merits of the controversy and the vital questions at issue, together with the reasons why the adjudication should be in favor of this or that litigant.

That court, having no prior knowledge of the case, should, by a properly constructed brief, be fully informed as to the points at issue between the parties, and the facts and law relating to those points. The brief should be so prepared as to minimize the labor of the court in the examination of the record upon which the appeal is heard and determined; it should enable the court clearly to understand the contention of counsel; and care and honesty should be exercised in the citation of authorities with the aim of rendering the greatest possible assistance to the court in its efforts to ascertain the rule or rules which should control its decision. Courtesy to the court demands that this information should be conveyed in the clearest, most concise manner possible. Self-interest, or the interest of the client, emphasizes and reinforces this demand.

¹ English Law Reporting by Sir Frederick Pollock, Reports Am. Bar Ass'n, 1903, vol. 26, p. 370.

² Tidd, Pr. (2d Am. Ed.) p. 773.

A subsidiary purpose of a brief is to give information to the opposing counsel. It indicates the limits of the oral argument, and should serve to make the same clear, logical, and helpful to the court.³

§ 4. Necessity for a Brief

It is, perhaps, conceivable that exceptionally skillful and learned opposing counsel might, by their oral arguments on appeal, put the court in sufficient possession of the information, which it is the purpose of a brief to furnish, to enable the tribunal to act intelligently, if the action immediately followed the argument; but since the oral argument is only one of the means employed to aid the court in arriving at a correct decision, is sometimes omitted—the case being submitted by counsel on the printed briefs—and is always followed by the deliberation and consultation of the members of the appellate court before a decision is announced, it is evident that a brief is necessary for any intelligent understanding and disposition of the case; and a document in the nature of a brief, whether designated by that particular name or not, is almost universally required in American practice either by statute or by rules of court.

The reason and necessity for the requirement apply equally to the appellant, or plaintiff in error, upon whom the obligation rests of convincing the appellate tribunal that errors have been committed which call for a reversal of the order or judgment of the court below, and to the respondent, or defendant in error, upon whom devolves the duty of maintaining that the proceedings below were free from reversible errors; and the statutes or rules of court are generally equally obligatory upon both parties.

Moreover, the requirement, being made for the benefit of the court, cannot be waived by the agreement of parties.⁴

§ 5. Form and Contents of Brief

The primary object of a brief is then to give information to the court concerning the merits of the controversy. Experience teaches that the end desired can be best attained by conforming to certain well-defined rules and methods laid down by the courts to govern the form and determine the contents of the brief. These rules, it is true, differ, as to details, in different jurisdictions. For the details the reader must refer to the rules of court of his particular jurisdiction.

There are, however, certain essentials of form and contents that are required in most, if not all, jurisdictions. The brief should show the title of the cause, the nature of the controversy, the facts out of which it arose, the grounds on which a review is asked, and the propositions of law and the authorities on which the advocate relies for a decision.

³ *Busenbark v. Park*, 5 Kan. App. 17, 47 Pac. 324; *City of Lincoln v. Street Light Co.*, 59 Fed. 756, 758, 8 C. C. A. 253.

⁴ *Disse v. Frank*, 52 Mo. 551; *Woodward v. Hodge*, 24 Mo. App. 677; *State v. Burns*, 14 Mo. App. 581.

§ 6. Same—The Title

The brief should, of course, show the title of the cause and, generally speaking, the names of all the parties and their relation to the appeal. It has, however, been held that the names of parties who defaulted below need not be named, as they are not interested. And in *Levi v. Bray*, 12 Ind. App. 9, 39 N. E. 754, it was held that, if the brief is signed by the attorneys for all the appellants, it is immaterial that the title of the cause as stated in the brief does not name all the appellants. The name of the court in which the brief is to be used, and the term, should also be stated.

§ 7. Same—Preliminary Statement

In some jurisdictions there is a requirement that there shall be prefixed to the brief of the appellant a concise statement, showing in what court or before what tribunal the action or proceeding was instituted, what relief was sought, the defense interposed, the result in the court or tribunal in which the action or proceeding was commenced, and how the cause was brought into the appellate court.

This statement need not go into details, but need merely show in a few lines the general nature and history of the proceeding. In some instances this statement is made a part of the statement of facts. It is suggested, however, that it may well be thrown into a "Preliminary Statement."

§ 8. Same—Statement of Facts

The brief of each party must contain a concise statement of the case, so far as essential to an understanding of the questions presented for determination, with the specific reference to the precise place in the record, or case on appeal, where the points discussed may be found.

This, of course, does not permit a reprint of the whole record as a brief, nor of any considerable portion thereof, but requires a counsel to make a clear and concise statement of what he claims to be the substance of the record, or of so much thereof as is pertinent and material to the questions in controversy in the appellate court. The statement should contain the substance of the pleadings, when questions arise upon them, and also the leading facts established by the evidence, where questions of fact are to be determined.

Failure to comply with this requirement is universally reprobated by the courts, but owing to lack of uniformity in the rules, to difference in attitude of different courts—some inclining to a strict, others to a lax, enforcement thereof—and to equitable considerations in particular cases, the penalty for noncompliance varies from a reprimand and warning, or a disallowance of the expense of printing needless and objectionable matter, to an affirmance of the judgment from which the offending party has appealed, or a dismissal of the case.

It should not be difficult to make a clear statement of the substance

of the pleadings, when the questions arise upon them, as on appeals involving decisions upon demurrers, upon motions relating to the pleadings, and the like; but in a majority of cases a discussion of the facts is necessary, and this necessitates, as part of the statement of the case, a statement of the facts of the case, or of such of them as are essential to the determination of the questions presented to the appellate court for decision. It is to be noticed that it is a statement of facts which is required, not a statement of the evidence by which it is believed the facts are established, although the statement should refer to the place in the record on appeal where the evidence may be found, and it will seldom be necessary or proper to quote any evidence in this portion of the brief.

It is not easy to overestimate the importance of this statement of facts, or the difficulty involved in its successful preparation; but the assertion which is sometimes made, that it is the most important portion of a brief, and the most difficult to prepare, should not be accepted without qualification.

(a) *Essentials of the Statement of Facts*

The essentials of a good "statement of facts" are accuracy, clearness, and conciseness. Not one of these qualities is likely to characterize a brief in the absence of the thorough preliminary study which has been enjoined; but if, during the prosecution of the preliminary work, an analysis has been made of the evidence, and of the facts established thereby, and a theory of the case has been adopted, and counsel has a fair command of the English language, there is no good reason why all of them should not be present.

(b) *Same—Accuracy*

It is undoubtedly the well-settled rule that, in the absence of objections by opposing counsel, the statement contained in the brief is presumed to be fair and accurate.⁵

Nevertheless, inaccuracy in the statement of facts, whether arising from mistake or from intentional misstatement, inevitably tends to invalidate the conclusions drawn therefrom; and, irrespective of the ethical considerations which should prevent resort to any such dishonesty, an intentional misstatement or distortion of the facts is almost certain to be discovered by opposing counsel and brought to the attention of the court, with the natural and just result of creating a suspicion of the offending counsel which will surely prejudice his case.

It is believed that no mistake has been made in considering accuracy as the first essential. It is true that the clear conception of the case, which must be the basis of a clear statement thereof, is also necessary for accuracy; but it cannot be said that clearness necessitates accuracy. The more complete and clear the counsel's understanding of the case, the better will he be able to discover how a very slight change in the facts would materially improve his chances of success, and he

⁵ See Elliott, App. Proc. § 443; McElwaine-Richards Co. v. Wall, 159 Ind. 557, 65 N. E. 753; Kelly v. Manufacturing Co., 20 Minn. 88 (Gil. 74); Shanks v. Carroll, 50 Tex. 17, at page 21.

might readily embody that change in his statement without in the least impairing its clearness or cogency.

(c) *Same—Clearness*

To secure clearness requires an orderly and logical plan for the presentation of the facts, a keen apprehension of what facts are material and of the reasons why others are immaterial, the power of selecting and grouping the controlling facts so as to emphasize counsel's theory of the case, a lucidity of style, and a power of condensation.

It is, of course, much easier to enumerate these requirements than to satisfy them, and it has been truly said that he who can "well state the facts is a man of rare ability"; but there is no excuse for a counsel who has obtained a thorough understanding of the case at bar, even though not a man of rare ability, presenting to the court a statement which has no definite plan, which mingles material and immaterial facts, and which is verbose and discursive. Such a statement shows unmistakably his lack of diligence rather than his lack of ability.

(d) *Same—Conciseness*

With reference to the essential of conciseness a word of caution may not be out of place. It should never be secured at the expense of clearness. Assuming, however, that this latter quality is not sacrificed, a carefully condensed statement of facts is the ideal statement. It saves the court time and labor, and is much more likely, than is a diffuse recital, to make a strong and lasting impression, and prove convincing in regard to the soundness of counsel's theory of the case.

§ 9. *Same—Specification of Errors*

Whether the case is brought into the appellate court by writ of error, in accordance with the common-law practice, or by appeal, in accordance with the equity practice, the record upon which the case is heard in the appellate court, and which is prepared by the plaintiff in error or appellant, must contain, either in the assignments of error, when the case is brought to the higher court by writ of error, or in the exceptions, when it is carried up by appeal, a full and precise specification of the errors of which the plaintiff in error or appellant complains, and on account of which he seeks a reversal of the judgment or decision of the lower court. In preparing the assignments of error, or the case and exceptions, all points are naturally specified upon which at the time it seems probable, or even possible, that a claim of error may be successfully urged.

But upon the further study of the case, and the examination of authorities, made necessary in preparing for the argument on appeal, it often appears wise to abandon some of these points, either because it is certain that they are not tenable, or because they are of such minor importance, and the probability of maintaining them is so slight, that the endeavor to maintain them is likely to prejudice the case, and to

weaken the force of the argument upon the questions which are decisive.

In order, therefore, that the court and opposing counsel may be informed of the points upon which the plaintiff in error or appellant actually intends to rely, it is required that these points, or alleged errors should be clearly and particularly specified in the brief; and, as a rule, only those which are so specified will be considered.

Supposed errors which are specified in the assignment of errors or exceptions, but not in the brief, will generally be considered as abandoned.

But lack of jurisdiction in the lower court will be considered, even though it is not urged in the brief.

And in some cases it is implied that if a supposed error which appears in the assignment of errors or exceptions, but not in the brief, is brought to the attention of the court on oral argument, the same will be considered. It was held, however, in *Dodge v. McMahan*, 61 Minn. 175, 63 N. W. 487, that this would only be allowed when the respondent waived the objection that the specification did not appear in the brief.

The specification of errors in the brief should set out separately and particularly each error asserted and intended to be urged.

If error is alleged in the admission or rejection of evidence, the particular evidence should be designated, by quoting the full substance of the evidence admitted or rejected, as required by rule 21 of the Supreme Court of the United States (3 Sup. Ct. xii), and by similar rules in other jurisdictions, and by a specific reference to the page or folio of the record on appeal where the evidence is to be found.

And if it is claimed that the verdict or decision rests upon incompetent evidence, or that it is fully supported by competent evidence, the precise evidence upon which these respective contentions are based must be clearly pointed out in the manner above indicated; and the same rule applies where it is claimed that the evidence is insufficient to support the verdict or decision, or that the verdict failed to find upon a given issue.

When objection is urged to the charge of the court, either upon the ground that erroneous instructions were given, or upon the ground that instructions requested were erroneously refused, the instructions in respect to which error is alleged must be set out in the brief in full, and in the very words used on the trial. If the error alleged is in refusing an instruction, the brief should also specifically refer to the evidence in the record which is claimed to justify the same, and, whenever the decision as to whether or not error has been committed in the charge depends upon a consideration of the evidence, such portion of the evidence as pertains to the question should be specified.

§ 10. Same—The Argument

A brief containing a clear statement of the case and a proper specification of the errors alleged to have been committed by the lower court would give the appellate court the information necessary to an intelligent understanding of the precise questions presented for its determination; but there rests upon counsel for the respective parties the further obligation of assisting the court in reaching a correct decision, and, to meet this obligation in part, and furnish a basis for the more complete assistance to be rendered by the oral argument, the brief of the party must contain what is usually designated a "brief of the argument," which should consist of the points or propositions of law or fact to be discussed, the reasons urged in support of these points, and, where it is possible, a citation of the authorities relied upon in their support. And it is a rule usually followed that the propositions stated in the brief, but which are not thus supported by argument, will not be examined, but will be considered waived, although in some cases it is implied, at least, that such propositions may be passed upon if they are urged and supported on the oral argument, even though reasons and authorities to support them do not appear in the brief. It is submitted, however, that this should not be done, except with consent of opposing counsel.

To entitle a party to have alleged errors considered, he must do more than call attention to them and assert that they are errors. He must state separately the points or propositions which he proposes to maintain, which should indicate wherein each error consists, and must in the brief give reasons to support each proposition.

The respondent, or defendant in error, must, in like manner, in his brief, not only state clearly and separately each proposition upon which he intends to rely, but also give the reasons upon which it is based; and it is the universal practice to require both parties to support their propositions, as far as possible, by citation of authorities. The authorities should be cited in immediate connection with the precise proposition which they are supposed to sustain.

(a) *Scandalous Matter*

It seems like a reflection upon the profession to be obliged to call attention to the fact that counsel are not allowed, under the pretext of argument, to make this portion of the brief a medium for expressing their feelings or prejudices, by inserting therein criticisms upon the personal character, the professional ability, the conduct or motives, of the trial judge, or charges against the opposing counsel or parties; but unfortunately the cases cited show the necessity of this warning.

It is undoubtedly true that it is the province of counsel to determine for themselves, within reasonable bounds, the line of argument to be pursued in the presentation of causes, and of the court to determine whether or not the questions argued are germane to the propositions involved; * but it is equally true that "briefs should be respectful to the

* *People v. Parks*, 26 Colo. 322, at page 323, 57 Pac. 692. See, also, *Stager v. Harrington*, 27 Kan. 414, at page 418.

court, the parties, and all persons named in them,"⁷ and the failure to comply with this rule is universally condemned, is often punished by striking the briefs from the files,⁸ and, independently of any direct punishment, will almost inevitably prejudice the case of the counsel who has been guilty of its infraction.⁹

(b) *General Form of Argument*

The form and contents of that portion of the brief which deals with the law of the case will necessarily vary according to circumstances. If there is to be an oral argument, the brief will probably contain merely an abstract of the argument. On the other hand, if the case is to be submitted on the brief alone, that document should, of course, contain the full argument. In either event there should be prefixed to the argument a statement of the propositions of law on which the advocate relies, in their logical order—the order in which they are to be discussed in the argument that follows. They should be stated clearly, and as concisely as is consistent with clearness.

(c) *Subdivision and Subordination of Points*

The propositions should be taken up in their numerical order and discussed in their relation to the facts. In many instances a proposition will present two or more subordinate propositions, which must be discussed and established to afford a foundation for the main proposition. If such is the case, these subordinate propositions should be stated as clearly and concisely as the main proposition, and discussed in their logical order. This division of the argument into main propositions and subordinate propositions will greatly assist the court in understanding the case and in following the various steps in the argument. The subdivision of the question and its treatment under separate heads should not, however, be carried so far as to destroy the unity and continuity of the argument. Related questions should, as far as possible, be discussed together. The sole purpose of the subordination and co-ordination of propositions should be to make the reasoning more clear and the logic of its progression more obvious.

(d) *Citation of Authorities*

The brief maker should, of course, support his propositions and his argument by the citation of authorities. In presenting the authorities in his brief, these general rules should be observed:

First. That no case should be cited as directly supporting a proposition unless the decision rendered in the case cited necessarily rests upon that proposition. That it is considered and discussed therein, and an opinion expressed in favor of the soundness of the proposition, is not sufficient to justify its citation as an authority; and it is only when no cases of this decisive character can be found that expressions of opinion or dicta in support of the proposition found in reported cases

⁷ *Smith v. Bingham*, 3 Ill. App. 65, at page 66; *Scroggin v. Brown*, 14 Ill. App. 338.

⁸ *San Diego Water Co. v. San Diego*, 117 Cal. 556, 49 Pac. 582; *Diamond Tunnel Gold & Silver Min. Co. v. Faulkner*, 17 Colo. 9, 28 Pac. 472.

⁹ See *Confrey v. Stark*, 73 Ill. 187, at page 190; *Stager v. Harrington*, 27 Kan. 414, at page 418; *Flannagan v. Elton*, 34 Neb. 355, at page 358, 51 N. W. 967; *Lau v. Dry Goods Co.*, 38 Neb. 215, 56 N. W. 954.

may properly be used in the brief to re-enforce counsel's reasoning, and it should then be clearly indicated that they are employed solely for that purpose, and not as authorities; or, as forcibly stated by another, "a citation of a case under a given proposition ought, unless distinctly otherwise stated, to be equivalent to an implied professional certificate that, in the writer's judgment, the case cited is an express authority in support of such proposition."¹⁰

Second. The law of the jurisdiction in which the case at bar is pending being the question in controversy, the best evidence of that law is to be found in the cases decided by the courts of that particular jurisdiction. These should be first selected.¹¹ If they are clear, well-reasoned, and decisive, the selection may well be confined to them, for they will have a binding force not possessed by the decisions of other jurisdictions, although the latter may often be considered as direct authorities, owing to the common derivation of a very large portion of our law, and may properly be cited when there are no direct decisions upon the point in the jurisdiction where the case is pending, or when the decisions there rendered were made without that careful consideration which is usually necessary to give a case the position of a controlling authority.

If authorities are cited from other jurisdictions, select, when possible, cases decided by the United States Supreme Court, and by those of the state courts of last resort which have an established reputation for learning and ability; and it is always to be remembered that it is the quality, and not the quantity, of authorities that determines their weight.

Before a case is relied upon as an authority and cited in the brief, it should always be carefully traced down to date, to make sure that it has not been overruled by later cases, or so "distinguished" that it is no longer controlling.

(e) *Discussion of Authorities*

The brief maker must have in mind that the mere statement of the proposition and the citation of authorities to support it is not sufficient. Not only must the application of the proposition to the facts of the case at bar be shown but the relevancy of the leading authorities to the case at bar should be pointed out. In other words, there must be so much of a discussion of the best leading authorities as will show affirmatively that they are really precedents to be followed in deciding the case.

It is by no means necessary to discuss every case cited as authority. In presenting authorities, it is frequently well to quote from the opinions. But in most cases a mere abstract statement, unrelated to the specific facts of the case, is practically valueless. If it is necessary to set out the facts of the case, in order to make the words or holding of the court intelligible, this statement should be brief, clear, and

¹⁰ "Practical Hints in the Preparation of Briefs," 14 Am. Law Rec. 53, page 56.

¹¹ "Devote yourself above all to find authorities in your own state, for these are the ones which are controlling, and it must be a very new and strange question upon which you cannot find some light." Mr. Abbott, as quoted in Elliott, App. Proc. p. 377, note 2.

pointed, and should deal solely with those facts which are material to the particular proposition of law for which the case is used. The manner in which the facts are to be stated, the character and extent of the quotations, and the question whether to quote, or give the substance of, the holding, are all matters of judgment, to be determined by considering both literary form and general effectiveness. One common error may be noted—stating isolated propositions of law, which in the abstract are correct, but totally devoid of practical significance, followed by the citation of lists of authorities. It should never be forgotten that in the majority of cases the chief difficulties of the brief writer are not to prove certain legal propositions, but to show that certain legal propositions are applicable and controlling under the specific facts of the case in hand.

In discussing a question in which the cases are numerous, it is often well to take them up by states, presenting the decisions in any one state chronologically, and to treat the doctrines as announced in the several states as matters for separate determination. The states supporting the position taken by counsel may thus be grouped together, and those holding a contrary view may likewise be grouped. But this method is subject to the varying exigencies of the questions discussed.

It is by no means necessary for the brief to deal at length with every authority which is in point on a given feature of the case. The best cases should receive the fullest treatment; but, where there are a number of cases without distinguishing marks of excellence, all on precisely the same point, they may be simply cited under the principal case, which is given more fully.

(f) *Same—Adversary's Authorities*

It is often advantageous, where the cases are limited in number and where the question is so well defined that it may be safely assumed that the opposite party will have all the authorities supporting his side of the question, to discuss those cases, after disposing of the favorable authorities, and to point out any facts in connection therewith which distinguish them from the case at bar, or which otherwise impair their force. But in perhaps the majority of cases it is better to depend on the strength of your own case alone, rather than on the weakness of your adversary's case.

Of course, in the brief for the respondent, it is generally advisable to devote considerable time to the criticism of the authorities cited by the appellant, when there is real ground for criticising or distinguishing them. So, too, in the reply brief of the appellant, it is to be expected that the advocate will criticise the argument and authorities of the respondent. The reply brief, it must be remembered, must not raise new issues. In fact, it must be borne in mind throughout the preparation of the Brief on Appeal that there must be a strict adherence to the theory of the case as it was developed in the court below.

(g) Use of Text-Books

Under present conditions, it can seldom be necessary to resort to text-books to support a proposition, and the number of these which, from the learning and reputation of their authors, have a sufficient standing with the bench and bar to render their statements authoritative, is very small. When, however, it seems advisable to cite a text-book, the name of the author, the title, the edition, if more than one has been published, and the page, should be clearly specified in the brief.

Text-writers of acknowledged standing may sometimes be quoted, but as a rule the text-books should be consulted as guides to the law, rather than embodiments of it; and a brief showing too much familiarity with text-books at the expense of the cases is very likely, from that very fact, to be considered superficial and weak.

(h) Verbosity to be Avoided

While the statement of facts and the argument—in short, the brief as a whole—should be full enough to present the whole case clearly, care should be used not to make it too voluminous, too verbose. It is by no means an uncommon complaint on the part of appellate judges that they have been compelled to wade through several pages of useless discussion of abstract and elementary principles that could have been as effectively disposed of in half a dozen lines.

§ 11. Typography

In most states briefs are required to be printed. The brief maker should see to it that the typography of his brief is neat and appropriate. Each main division of the brief should be properly entitled "Statement of the Case," "Specification of Errors," etc., in type different from that used in the body of the brief. If subordinate headings are used in the statement or argument, they should be in type smaller than the main headings, but differentiated from the body of the brief. At the head of each division of the argument, the proposition to be discussed in that division should be restated in black letter, and subordinate propositions may be stated in italics. The body of the brief should be in plain Roman type, not smaller than the size known as long primer, and leaded. Quotations from authorities or from the evidence, if exceeding two lines in length, should be differentiated from the body of the argument by being set solid, or in a smaller type. A little attention to the typographical details, while not absolutely essential to a good brief, goes a long way towards securing a careful consideration by the court.

§ 12. Sample Brief

For the purpose of showing the practical application of the rules laid down in the preceding pages, there is inserted below a brief which illustrates, in the form and arrangement of its contents, all of the essentials of a good brief.

This brief was prepared by Mr. Charles E. Feirich, a member of the class of 1907 in the Chicago-Kent College of Law, in a brief-making contest conducted by the American Law School Review. Out of a large number of briefs submitted by students in various law schools, this was selected as the best, and was awarded first prize; the judges being William T. Spear, Judge of the Supreme Court of Ohio, Joseph D. Moore, Judge of the Supreme Court of Michigan, and Edwin A. Jaggard, Judge of the Supreme Court of Minnesota. It is inserted here, with some slight changes from the original for the purpose of illustrating the rules laid down in this chapter as to the form and contents of a good brief. Under the terms of the contest, local court rules and local statutes were not taken into consideration.

[Another specimen of the brief on appeal will be found in chapter 1 of the Appendix. This second brief was prepared by eminent members of the profession in the famous case of *Gonzales v. Williams*, argued before the United States Supreme Court.]

SUPREME COURT OF IOWA.

DECEMBER TERM, 1907.

GEO. C. SMITH,
Plaintiff-Appellant,

vs.

ARTHUR B. RUSSELL,
Defendant-Appellee.

No. 365.

PRELIMINARY STATEMENT.

This is an appeal by George C. Smith from an order of the District Court of Oregon County, sustaining a demurrer to the amended petition in an action brought by said George C. Smith, on a note executed by Arthur B. Russell.

STATEMENT OF FACTS.

The agreed facts so far as they are material to this appeal, are as follows: On December 21, 1894, the defendant, Arthur B. Russell, in part payment of a debt long past due, executed and delivered to George C. Smith his note for \$300, due in two years from the date thereof. The note was payable "to the order of" George C. Smith. Smith lost the note, and it was found by R. N. Jackson, who, how-

ever, refused to give it up on demand. On May 15, 1906. Smith brought his action to recover the amount due on the note, and, as an excuse for his inability to produce the note, alleged in his petition that it was "wrongfully held by a third person." (Abs. p. 2.) The defendant demurred. (Abs. p. 3.) The demurrer was sustained, and on October 10, 1906, judgment was entered on the demurrer in favor of defendant Russell. (Abs. p. 4.)

From the judgment so entered, the plaintiff, on November 20, 1906, perfected his appeal to this court. (Abs. p. 5.) On March 28, 1907, this court rendered its decision, approving the ruling of the district court sustaining the demurrer, but remanding the cause for new trial, with leave to the plaintiff to amend his petition. (Abs. p. 6.) The ten years prescribed by the statute of limitations, within which an action could be brought on the note, expired December 21, 1906. On April 2, 1907, plaintiff filed an amended petition, setting forth the facts in connection with the loss of the note, the demand therefor on Jackson, and Jackson's refusal to surrender it, and offered to indemnify the defendant Russell against any claim on account of the note in the hands of another person. (Abs. p. 7.) Defendant demurred to the amended petition on the ground that debt was barred by the statute of limitations. (Abs. p. 8.) This demurrer being sustained the plaintiff appeals.

SPECIFICATION OF ERROR.

The court erred in sustaining the demurrer to plaintiff's amended petition.

POINTS.

I. The defense of the statute of limitations must be specially pleaded, and cannot be availed of by demurrer, in an action at law, even though it appears on the face of the petition that the limitation prescribed by the statute has expired.

II. Where an amendment does not set up a new cause of action, or bring in any new parties, the running of the statute of limitations is arrested at the date of filing the original pleadings.

III. The statute of limitations is suspended during the pendency of an appeal.

ARGUMENT.

I.

The defense of the Statute of Limitations must be specially pleaded, and cannot be availed of by demurrer in an action at law, even though it appears on the face of the declaration that the limitation prescribed by the Statute of Limitations has expired.

The defense of the Statute of Limitations was permitted by the court below to be interposed by a demurrer filed by the defendant,

which demurrer was sustained. This was error, because in an action at law the Statute of Limitations must be pleaded specially if the defendant desires to avail himself of that defense.

"In actions at law, as contradistinguished from actions under the code, it has always been the established rule that if the defendant desires to avail himself of the statute of limitations as a bar to the demand in suit, he must plead the defense. He cannot demur to the declaration, even where it appears on its face that the limitation prescribed by the statute has expired, for the principal reason that thereby the plaintiff would be deprived of the opportunity of replying that the case was within some of the exceptions to the statute, or any other matter which would prevent the bar from attaching."

13 Enc. Pl. & Pr. 200, citing

Condon v. Enger, 113 Ala. 233, 21 South. 227;

Huss v. Central R., etc., Co., 66 Ala. 472;

Smith v. Richmond, 19 Cal. 476;

Bowman v. Mallory, 14 Ind. 424;

Matlock v. Todd, 25 Ind. 128;

Sleeth v. Murphy, Morris (Iowa) 321, 41 Am. Dec. 232;

Zane v. Zane, 5 Kan. 134;

Hines v. Potts, 56 Miss. 352;

McNair v. Lott, 25 Mo. 182;

Allen v. Word, 6 Humph. (Tenn.) 284;

Chicago City Ry. Co. v. Cooney, 196 Ill. 466, 63 N. E. 1029;

Guntton v. Hughes, 181 Ill. 132, 54 N. E. 895;

Thomas v. Morgan, 96 Ill. App. 629;

Wall, Adm'x, v. C. & O. R. R. Co., 200 Ill. 66, 65 N. E. 632;

Renackowsky v. Water Com'rs, 122 Mich. 613, 81 N. W. 581;

Norton v. Kumpe, 121 Ala. 446, 25 South. 841;

Huntville v. Ewing, 116 Ala. 576, 22 South. 984;

Barclay v. Barclay, 206 Pa. St. 307, 55 Atl. 985.

A few extracts are made from the opinions of the Courts in some of the cases above cited, which will suffice to show the rule of law on this point.

In Wall, Adm'x, v. C. & O. R. R. Co., 200 Ill. 66, 65 N. E. 632, the court said:

"From the face of the declaration it appears that more than two years elapsed from the time of the injury to the bringing of the suit, and it is insisted by defendant in error that therefore the action could not be sustained, and hence the defense of the Statute of Limitations could be made by demurrer. Mainly on this ground it is insisted that the trial court properly sustained the demurrer. In equity, where it appears on the face of the bill that the cause of action is barred by laches or the Statute of Limitations, the defect may be reached by demurrer to the bill. But the rule is otherwise in common law pleading. The defendant cannot demur to a declaration even where it appears on its face that the limitation prescribed by the statute has expired, because plaintiff would thus be deprived of the opportunity of replying and pleading any matter which would prevent the bar from attaching. The defendant must plead the statute if he wishes to avail himself of it."

In Thomas v. Morgan, 96 Ill. App. 629, the Appellate Court of Illinois discusses this question at length, citing many authorities from various jurisdictions. The Court remanded the case for the error of the trial court in sustaining a demurrer to the declaration based on the Statute of Limitations, although the declaration showed

on its face that the time allowed by the Statute of Limitations had expired.

In *Hines v. Potts*, 56 Miss. 346, 362, the Court said:

"It is urged that this case is barred by the Statute of Limitations. We cannot express an opinion as to this, because the bar of the Statute of Limitations cannot be availed of by a demurrer to the declaration, even though the cause of action set forth may appear to be barred. The Statute of Limitations must be pleaded, so that the plaintiff may, if he can, avoid the bar by replying facts which prevent it."

In *Allen v. Word*, 6 Humph. (Tenn.) 284, the Court said:

"The Statute of Limitations in a suit at law must be pleaded, and this whether the cause of action as stated appears to be barred or not; because the plaintiff may reply and prove a subsequent promise to pay the debt."

In *Sleeth v. Murphy*, 1 Morris (Iowa) 321 (2d edition or reprint, vol. 1, p. 422), 41 Am. Dec. 232, in a Per Curiam opinion it is said:

"We feel controlled in this matter by the decisions of other courts on like statutes. It has been of late years invariably held that a statute of limitations must be pleaded; that a demurrer will not lie, although the lapse of a sufficient time between the accruing of the action and the commencement of the suit should appear from the face of the declaration."

In *Matlock v. Todd*, 25 Ind. 128, 133, speaking of the Statute of Limitations, the Court said:

"But we do not decide the question, for the reason that it is not properly before us. It is raised on a demurrer to the complaint, and it has been held by this court, that in suits at law, to make the statute availing, it should be pleaded."

Extracts might be made from the opinions in the other cases cited to the same effect, but the foregoing clearly show that the rule is based on reason and appears to be invariably enforced by courts of last resort. If the defendant in the case at bar desired to avail himself of this defense, he should have pleaded it in bar instead of demurring to the declaration, for by doing the former the plaintiff would have had the right to plead any matter which would take the case out of the Statute of Limitations.

It is therefore urged that the decision of the trial court should be reversed because of the error of the trial court in allowing the defense of the Statute of Limitations to be raised by a demurrer.

II.

Where an amendment does not set up a new cause of action, or bring in any new parties, the running of the Statute of Limitations is arrested at the date of filing the original pleading.

(A) An appellate court has power, in its discretion, to direct the trial court to allow an amendment to a declaration.

Before proceeding to the main argument under Heading II, it may be well to inquire into the power of an appellate court to direct the

trial court to allow an amendment to a declaration, and to ascertain to what extent the trial court is bound by such direction.

Where an appellate court reverses a decision of the lower court it is not uncommon to direct the latter to allow amendments, especially if the error will be obviated thereby. 1 Enc. Pl. & Pr. 617, and 3 Cyc. 458, citing many cases both of the United States Supreme Court and of the Supreme Courts of various other States.

The rule appears to be as stated by the Supreme Court of Minnesota in *Farley v. Kittson*, 27 Minn. 102, 107, 6 N. W. 450, 7 N. W. 267:

"Plaintiff now moves this court to modify its judgment on the orders appealed from, so as to give him leave to amend his complaint in the court below. We have no doubt of the power of this Court to grant the relief asked for; but it ought rarely to be exercised. It is a matter resting in discretion," etc.

This case was followed in *Haven v. Place*, 28 Minn. 551, 11 N. W. 117.

In *Wood et al. v. Lenawee Circuit Judge*, 84 Mich. 521, 47 N. W. 1103, it was held that mandamus will lie to compel a trial judge to allow an amendment which does not introduce a new cause of action, and which, if refused, will cause the loss of the action.

It is also to be noted that this power in the appellate court to direct the trial court to allow an amendment is necessary to the proper administration of justice. The appellate court is established for the purpose of reviewing the decisions of the trial court. Suppose, for example, that a trial court errs in a certain ruling in a case tried before him. The case is appealed and the error is manifest to the reviewing court, but in order that the cause of action may not be lost, it is necessary that an amendment should be allowed. If the reviewing court has no power to direct the allowance of such an amendment, and merely recommends it, the trial court may adhere to its previous opinion and accordingly refuse to allow the amendment. Should this ruling be appealed from, the same process would follow, and the effect of it would be to make the trial court superior in power to the appellate court.

This question, however, is not vital to the case at bar because the trial court allowed the plaintiff to file his amended petition, but it is discussed here in case it should be contended by appellee that the trial court was not bound to allow the amendment to be made and could have dismissed the case without allowing the amendment on the ground that it was barred by the Statute of Limitations. The question of the power of this Court to direct the amendment to be allowed in the trial court, will also be considered in connection with another point in this brief.

(B) *An appellate court will, in a meritorious case, allow an amendment to the declaration for the express purpose of saving the cause of action from the bar of the Statute of Limitations.*

The modern tendency of all courts is to allow amendments with great latitude in order to further justice; and this is especially true if compelling the party to bring a new suit would let in the defense of the Statute of Limitations.

Schieffelin v. Whipple, 10 Wis. 81, was an action on a promissory note. The plaintiff took a nonsuit, and subsequently the trial court refused him leave to amend his declaration. The Court said, speaking of allowing amendments where a new suit would be barred by the Statute of Limitations:

"The power of amendment is frequently and justly exercised in such cases, and the fact that if driven to a new suit the party's claim will be barred, is of controlling influence in favor of its exercise."

In *Walker v. Wabash R. R. Co.*, 193 Mo. 453, 92 S. W. 83, the Court in laying down the proper judicial attitude towards amendments with reference to the Statute of Limitations, said in the words of Napton, J., in *Lottman v. Barnett*, 62 Mo., loc. cit. 170:

"Amendments are allowed expressly to save the cause from the statute of limitations, and courts have been liberal in allowing them, when the cause of action is not totally different." Citing authorities.

In *Van Doren v. Railroad Co.*, 93 Fed. 260, 271, 35 C. C. A. 282, 293, the Court said:

"Substantial justice requires that such an amendment should be allowed, as a second suit for damages for the death of Henry Van Doren would be barred by the one-year limitation in the Pennsylvania statute."

In *Sanger v. Newton*, 134 Mass. 308, the Court said:

"The fact that the three years within which an original petition could be filed have elapsed furnishes no grounds for refusing the amendment, but rather a reason why it should be allowed, as otherwise substantial justice will be defeated."

In *Miller v. Watson*, 6 Wend. (N. Y.) 507, the Court said:

"Here, unless the plaintiff be permitted to amend, the statute will be a bar to a new action. Although more than six years have elapsed since the commencement of this suit, the defendant cannot claim the protection of the statute unless it had run out before the suit was brought, and if so, he may plead it anew. * * * The plaintiff is permitted to amend, by adding a new count setting forth the contract," etc.

In *Elting v. Dayton*, 67 Hun, 425, 22 N. Y. Supp. 154, it was held that the fact that the Statute of Limitations would bar a new action was a strong reason for allowing, instead of refusing, leave to amend.

The Supreme Judicial Court of Massachusetts, in *Cogswell v. Hall*, 185 Mass. 455, 70 N. E. 461, in answer to the contention of the de-

fendant that an amendment was barred by the Statute of Limitations and hence should not be allowed, said:

"Instead of this being a conclusive reason in favor of its disallowance, it might well be considered a sufficient cause for its being granted, for otherwise the plaintiff might lose a meritorious claim."

The doctrine announced in the foregoing cases has also been followed in the following cases:

Davis v. Saunders, 7 Mass. 62;
People v. Cook, 62 Hun, 304, 17 N. Y. Supp. 546;
Elting v. Dayton, 67 Hun, 425, 22 N. Y. Supp. 154;
Risley v. Phoenix Bank, 2 Hun (N. Y.) 349;
Wilson v. Smith (Super. N. Y.) 14 N. Y. Supp. 628;
Dana v. McClure, 39 Vt. 197;
Tucker v. Virginia City, 4 Nev. 20;
Kansas Pac. R. Co. v. Kunkel, 17 Kan. 145;
Verdery v. Barrett, 89 Ga. 349, 15 S. E. 476;
Rand v. Webber, 64 Me. 191;
George v. Reed, 101 Mass. 378;
Thornton v. Herring, 5 Houst. (Del.) 154;
State ex rel. Mackey v. Thompson, 81 Mo. App. 549.

So, in *Courtney v. Blackwell*, 150 Mo. 245, 51 S. W. 668, the Court said:

"To so hold (referring to contention by defendant that the amended petition was barred by the Statute of Limitations) we would have to leave out of view one of the principal objects of allowing amendments, which is to prevent the running of the Statute of Limitations."

It is conceived that the foregoing decisions coming as they do from Courts of eminent standing all over the country, will be given considerable weight. Their application to the case at bar is evident. These cases hold that an appellate court will frequently allow an amendment to be made in a case where, if a new suit were brought, it would be barred by the Statute of Limitations. Now, without regard to whether or not this Court, on the previous appeal of this cause, gave plaintiff the right to amend his petition for the express purpose of avoiding the bar of the Statute of Limitations, the fact remains that the amendment was allowed, and once the amendment filed, the full force of all these decisions is brought to bear directly upon the case at bar. It necessarily follows that if an appellate court will allow an amendment so as to save the cause from the Statute of Limitations, when such an amendment is filed it relates back to the commencement of the suit, and the Statute of Limitations does not operate on the amendment as if it were a separate suit. If the defendant's contention is sound, the filing of an amendment by the plaintiff, under leave given him by this Court, has the same effect as if he voluntarily took a nonsuit and commenced a new action. The point to be kept in mind is that plaintiff filed an amendment to the original petition; the original peti-

tion marked the beginning of the action, and the amendment only more fully stated what was intended to be set forth in the original petition. The necessary implication to be drawn from every one of the opinions above quoted is that if the amendment is allowed the cause will be saved from the bar of the Statute of Limitations, and since an amendment was allowed, under such circumstances, in the case at bar, it follows that the cause of action is not barred by the Statute of Limitations and that the trial court was in error in holding that it was so barred.

(C) The amendment introduced no new cause of action; hence it relates back to the time of filing the original petition, and the running of the Statute of Limitations was arrested at that date.

Under the right granted him by this court, plaintiff filed an amendment to his petition in the trial court, and the point is now to be considered what effect, if any, the Statute of Limitations has on the amended petition.

A great number of decisions may be found, both in the State and Federal Courts, holding that where an amendment does not introduce a new cause of action it relates back to the filing of the original pleading, and the running of the Statute is arrested at that date. Only a few of these cases will be cited, as counsel for appellant observes that his brief is already becoming somewhat lengthy.

The Supreme Court of Illinois stated the rule in this regard to be as follows (C., B. & Q. Ry. Co. v. Jones, 149 Ill. 361, 37 N. E. 247, 24 L. R. A. 141, 41 Am. St. Rep. 278):

"The question is whether the amendment sets up a new cause of action. If it does, the demurrer to the plea was properly overruled. If it does not, the amendment takes effect from the commencement of the suit. Where an amendment sets up no new matter, but merely restates in a different form the cause of action set up in the original declaration, it relates to the commencement of the suit, and the statute of limitations is arrested at that point," etc.

In *Love, Adm'r, v. So. Ry. Co.*, 108 Tenn. 104, 65 S. W. 475, 55 L. R. A. 471, the summons was duly served within the time allowed by the Statute. The declaration was a nullity because it failed to allege the names of the statutory beneficiaries. The declaration was amended after the Statute of Limitations had run, and the Court held the Statute did not apply. The Court said:

"The general principle is that when the amendment does not set up a new cause of action, or bring in new parties, the running of the Statute is arrested at the date of the filing of the original pleading."

In *Wolf v. Bauereis*, 72 Md. 481, 19 Atl. 1045, 8 L. R. A. 680, the Court said:

"The remaining question is that in regard to the plea of the Statute of Limitations pleaded to the amended declaration. We are clearly of

opinion that the Court committed no error in holding the plea insufficient. The amended declaration was framed upon no new cause of action, and the Statute only ran to the commencement of the suit. At the time of the commencement of the action the Statute had not formed a bar, and the subsequent amendment of the declaration did not extend the running of the Statute to the time of the amendment."

In *Western Union Tel. Co. v. Nelson*, 82 Md. 293, 33 Atl. 763, 31 L. R. A. 572, 51 Am. St. Rep. 464, the Supreme Court of Maryland, in applying the rule just stated, held that an amendment adding the words "of Baltimore City" to the name of the defendant was not an amendment which added a new party or had the effect of bringing a new suit with respect to the plea of the Statute of Limitations.

In *Lamb v. Cecil*, 28 W. Va. 653, it was held that when an amendment to a declaration is properly allowed, so far as regards the Statute of Limitations, it will have the same effect as if it had been originally filed in the amended form at the commencement of the suit, and a cause of action not then barred will not be treated as barred at the time of the amendment, by reason of such amendment.

In *Kuhn v. Brownfield*, 34 W. Va. 252, 12 S. E. 519, 11 L. R. A. 700, the court held that a cause of action presented by an amended pleading which does not change the nature of the action is not barred by the Statute of Limitations if the original action was not, and although it would be barred if the action had been first brought at the time of the amendment.

In a very recent case in the Supreme Court of Missouri, *Walker v. Wabash R. Co.*, 193 Mo. 453, 474, 92 S. W. 83, 89, the Court said:

"The rule of law applicable seems to be that, 'where the amendment sets up no new matter or claim, but is a mere variation of the allegations affecting a demand already in issue, then the amendment relates to the commencement of the suit, and the running of the statute is arrested at that point; but where the amendment introduces a new claim, not before asserted, then it is not treated as relating to the commencement of the suit, but as equivalent to a fresh suit upon a new cause of action; the running of the statute continuing down to the time the amendment is filed.'" Citing authorities.

The right of parties to maintain actions is always governed by the condition of the demand at the time of instituting the suit.

Moore v. Lobbin, 26 Miss. 304;

Sandwich Mfg. Co. v. Earl, 56 Minn. 390, 57 N. W. 938.

In *Chicago City Ry. Co. v. Cooney*, 196 Ill. 466, 63 N. E. 1029, plaintiff filed an amended declaration more than two years after the cause of action accrued. Defendant pleaded the Statute of Limitations, to which plea plaintiff demurred. The Court sustained the demurrer, and in affirming the judgment of the trial court the Supreme Court said:

"The cause of action stated in the amended declaration was identical with the one stated in the original declaration, and the amendment amounted only to a re-statement of the cause of action, and not a statement of a new cause of action."

This is the settled rule in Illinois as will be evidenced by the following cases: *Phelps v. I. C. R. R. Co.*, 94 Ill. 548; *I. C. R. R. Co. v. Cobb*, 64 Ill. 128; *North Chicago Rolling Mill Co. v. Monka*, 107 Ill. 340; and *Smith v. Taggart*, 21 Ill. App. 538.

In *Augusta Ry. Co. v. Andrews*, 92 Ga. 706, 19 S. E. 713, the Court said:

"It was objected that the amendment was barred by the Statute of Limitations, because not offered within two years from the date on which the cause of action arose or the date on which the suit was filed. An amendment which introduces no new cause of action is not barred if the action itself is not barred; and this amendment, as will be shown, did not introduce a new cause of action. Such an amendment relates back to the filing of the suit."

In *Colley v. Coffin Co.*, 92 Ga. 664, 18 S. E. 817, the Court said:

"It was no obstacle to the allowance of the amendment that the action would have been barred if the present suit had been delayed until the time the amendment was offered, provided the suit itself was brought in time."

In *Verdery v. Barrett*, 89 Ga. 349, 15 S. E. 476, the Court said:

"It is no obstacle to the allowance of such an amendment that the action would have been barred if suit had been delayed until the time the amendment was offered, nor that the action, if based on a contract not in writing, would have been barred at the time suit was brought. Where the cause of action is one single contract and one single breach thereof, all amendments to the declaration relate back to the commencement of the suit."

See, also:

Ala. G. S. W. Co. v. Thomas, 89 Ala. 249, 7 South. 762, 18

Am. St. Rep. 119, citing other cases;

Hines v. Rutherford, 67 Ga. 606;

Poullain v. Poullain, 76 Ga. 422, 4 S. E. 92;

Hughes v. Whitaker, 84 N. C. 640;

Zieverink et al. v. Kemper, 50 Ohio St. 208, 34 N. E. 250, holding that an action is "commenced" at the date of service of summons, and although a demurrer be sustained to the petition, and leave given by the court to amend, still the action remains "commenced" so as to stop the running of the Statute of Limitations, and averments in such amended petition have the same force and effect as if contained in the original petition.

The attention of the Court is called to the following Federal cases to the same effect:

In *C., N. O. & T. P. R. Co. v. Gray*, the Court said (101 Fed. 623, 41 C. C. A. 535, 50 L. R. A. 47):

"Nor do I think that the Kentucky Statute of Limitations bars the claim of the petitioner. The claim arose when the injury occurred, on March 26, 1893; the original petition was filed September 18, 1893,

much less than the required one year after the injury. The second amended petition was filed December 26, 1895, a further one not appearing in the record, and the third was, by express leave of court, filed on April 25, 1899. The last amendment was possibly designed rather to make the pleadings conform to the proof than for any other purpose. It may be and doubtless is, true that, when an amended petition sets up an entirely new and distinct cause of action, time, under the Statute, will not cease to run until the date of filing it (citing authorities), but this rule by no means applies to a case such as we have before us, in which the original and real cause of action, namely, the negligence by which Gray was injured, was never departed from or abandoned."

In *Cross v. Evans*, 86 Fed. 1, at page 6, 29 C. C. A. 523, at page 528, the Court says:

"The cause of action in this case was the injury done to the person of the plaintiff below by the negligence of the defendant below. This action was brought within a year from the time the injury occurred, and it is not barred by the Statute of Limitations. The assignment of additional specifications of negligence on the part of defendant in the subsequent amended petition of plaintiff to that first set up does not create a new cause of action." Citing *Smith v. Railway Co.*, 56 Fed. 458, 5 C. C. A. 537.

In *McDonald v. State of Nebraska*, 101 Fed. 171, 41 C. C. A. 278, Circuit Judge Caldwell quoted from the opinion of Judge Maxwell in *McKeighan v. Hopkins*, 19 Neb. 33, 26 N. W. 614, as follows:

"The appellee claims, however, that, even if it is conceded that the court had authority to authorize the amendment in question, still the Statute of Limitations would run against the cause of action until the amended petition was filed. In *Martin v. Coppock*, 4 Neb. 173, it was held that the amendment of a mistake in the name of the plaintiff related back to the date of the service, and this, we think, is the general rule. The cause of action is the same, although the relief is sought in a different manner from that in the first petition. This, however, does not change the cause of action, and the Statute of Limitations ceased to run when the summons which was served on him was issued, or, if the service was constructive, at the date of the first publication of the notice."

This rule is also followed in *Texas & P. Ry. Co. v. Cox*, 145 U. S. 593, 12 Sup. Ct. 905, 36 L. Ed. 829; *Whalen v. Gordon*, 95 Fed. 305, 37 C. C. A. 70; *Middlesex Banking Co. v. Smith*, 83 Fed. 133, 27 C. C. A. 485; *Atlantic & P. R. Co. v. Laird*, 164 U. S. 393, 17 Sup. Ct. 120, 41 L. Ed. 485; *Union Pac. Ry. Co. v. Wyler*, 158 U. S. 296, 15 Sup. Ct. 877, 39 L. Ed. 983; and *Carnegie, Phipps & Co. v. Hulbert*, 70 Fed. 209, 16 C. C. A. 498.

Two cases, which may be cited by appellee as holding contrary to the rule above laid down, are *Waydell v. Gabrielson*, 72 Fed. 648, 19 C. C. A. 58, and *Bradley Salt Co. v. Norfolk Imp. & Exp. Co.*, 101 Fed. 681, 41 C. C. A. 600. Both of these cases turn upon special statutes. The former rests on a statute of New York giving a plaintiff certain rights where the original action is defeated by reversal without awarding a new trial, and cannot be considered to be at all applicable

to the case at bar. The latter case also rests upon a statute giving a certain time after a judgment is reversed within which to bring a new suit, and in addition to this the Court counted against the plaintiff certain time intervening between the judgment in the trial court and his appeal, and between the rendition of the judgment of the appellate court and the time of bringing a new action. This case, it is evident, does not contradict the general rule as plainly laid down in the cases above cited.

It is to be observed that counsel for appellant does not deny that if the amendment introduces a new cause of action the Statute of Limitations will continue running until the time such amendment is filed. But it is preposterous to argue that a new cause of action should be set up by an amendment to a petition which declared upon a promissory note, when such amendment was confined to the same note. An amendment of this kind is a mere step in the proceedings, a continuation of the pleadings, and cannot, in any light, be considered as introducing a new cause of action. The cause of action in this case is the promissory note given by Russell to Smith; the original petition sought to recover for the nonpayment of this note, and when later an amendment was filed it only stated in a different manner what was stated in the original petition. It is conceded that the original petition was filed in good time, and since the amendment subsequently filed was only in furtherance of the cause of action stated in the original petition, and did not introduce a new cause of action, the running of the Statute of Limitations, under the many authorities above cited, was arrested at the time of the filing of the original petition.

The following test was applied in *Walker v. Wabash R. Co.*, supra: "Would the recovery on the original complaint be a bar to a recovery on the amended complaint? If so, the amendment does not introduce a new cause of action and the Statute of Limitations does not run from the time such amendment was filed but from the time of the filing of the original petition. This rule, if applied to the case at bar, leads, as well as the other one, irresistibly to the conclusion that no new cause of action was introduced by the amendment, for assuredly had the plaintiff recovered judgment on the note in the first action, he could not have recovered a subsequent judgment on the same note. This is too fundamental for argument. The cause of action is, and always has been, the note given by Russell to Smith. Manifestly but one cause of action can be introduced in a suit brought to recover upon a simple promissory note. It must follow, therefore, that the amendment did not introduce a new cause of action, and that the running of the Statute of Limitations was arrested at the time of the filing of the original petition, and hence the trial court erred in deciding that the cause of action was barred.

(D) The fact that the Supreme Court on the previous appeal sustained the finding of the lower court does not affect the question, because the Supreme Court directed the trial court to allow an amendment to be filed, which was done.

It may be that counsel for appellee will seek to attach some significance to the fact that on the previous appeal of this case this Court sustained the finding of the lower court that plaintiff's petition failed to show a cause of action. This Court, however, also expressly gave the plaintiff the right to amend his petition and a new trial, of which right the plaintiff promptly took advantage. As has been seen, Courts have held that even though the petition filed be wholly null and void, if the service was good, it was such a commencement of suit as would stop the running of the Statute of Limitations. *Love, Adm'r, v. So. Ry. Co.*, 108 Tenn. 101, 65 S. W. 475, 55 L. R. A. 471; *Zieverink et al. v. Kemper*, 50 Ohio St. 208, 34 N. E. 250; *McDonald v. Nebraska*, 101 Fed. 171, 41 C. C. A. 278, cited under "II (C)" of this Brief.

It has been held in the following cases that a Court of Review, even upon affirming a judgment determining the insufficiency of a pleading, will sometimes grant permission to amend:

Moran v. Dunphy, 177 Mass. 485, 59 N. E. 125, 52 L. R. A. 115, 83 Am. St. Rep. 289;
Fleming v. Courteney, 95 Me. 128, 49 Atl. 611;
Recknagel v. Steinway, 58 App. Div. 352, 69 N. Y. Supp. 132;
Finch v. White, 190 Pa. 86, 42 Atl. 457;
Lawton v. South Bound R. Co., 61 S. C. 548, 39 S. E. 752;
Jackson Bank v. Irons, 18 R. I. 718, 30 Atl. 420;
People v. Roe, 25 App. Div. 107, 49 N. Y. Supp. 227.

In addition to this, upon the authority of the cases already cited under "II (C)" of this Brief, it follows that whether the appellate court affirms or reverses the judgment of the court below, if an amendment is actually filed in the trial court, which does not introduce a new cause of action, the Statute of Limitations does not run against such amendment but ceases to run at the date of the filing of the original suit.

III.

The Statute of Limitations is suspended during the pendency of an appeal.

While many, if not all, of the States in the Union have passed statutes giving the party who has his judgment reversed in an appellate court a specified time within which to commence a new action, so as to avoid the bar of the general Statute of Limitations, it appears from the following extracts from decisions of the Supreme Courts of va-

rious States, that the general rule is that the Statute of Limitations is suspended during the pendency of an appeal from the judgment of the trial court:

In *Kirsch v. Kirsch*, 113 Cal. 56, 45 Pac. 164, an action to recover the possession of real property, the Court said:

"The judgment entered in March, 1888, was appealed from by Mrs. Kirsh. In 1890, less than three years before the application for the order here appealed from, that judgment became final by affirmance in this court. The action was then pending until June, 1890, and while it was pending she could not acquire title by adverse possession, since during the pendency of the appeal all rights under the judgment were suspended."

In *Fields v. Austin* (Tex. Civ. App.) 30 S. W. 386, an action by the guardian of minors to have land of their deceased father set aside to them, the trial court, in its findings of law, which were approved by the Court of Civil Appeals of Texas, said:

"I hold that appeal from the judgment of the county court suspended the right of plaintiff to recover possession of the land until the case was reversed by the judgment of the Supreme Court, and that limitation had not begun to run until the rendition of the judgment of the Supreme Court."

In *Clark v. Bay Circuit Judge*, 62 Mich. 357, 28 N. W. 894, an application for a writ of mandamus recalling the execution on a judgment rendered in an action of ejectment, the Court said:

"The question now arises as to when the one-year limit prescribed by the statute begins to run. The relator claims it commenced at the date of the entry of the judgment, April 15, 1884, while the plaintiffs insist that the time was held in abeyance while the cause was removed to and pending in this court, and until the judgment of this court affirming the judgment below, which was of date April 15, 1885. It seems to me that the judgment intended by the statute is the final judgment in the cause, and that there was no final judgment in this case until April 15, 1885. * * * I think the time in this case should run from the fifteenth of April, 1885."

In *Miller v. Gist*, 91 Tex. 335, 43 S. W. 263, it was held that during the time of an appeal the Statute of Limitations is suspended but not vacated.

See, also:

Nix v. Draughon, 54 Ark. 340, 15 S. W. 893;

Hesters v. Coats, 32 Ga. 448;

Williams v. Banks, 19 Md. 22;

Chouteau v. Rowse, 90 Mo. 191, 2 S. W. 209;

Martel v. Somers, 26 Tex. 551.

This rule is based upon the soundest reason. It is elementary that when the Statute of Limitations has once commenced to run it will not ordinarily be stopped, except by the bringing of a suit in a court of competent jurisdiction. But when this suit is brought, what argument can be advanced for holding the Statute of Limitations in

abeyance during the trial of the case in the lower court, and then allowing it to run on again during the time the case is under consideration by the appellate court? Yet this would be the effect of holding that this case is barred by the Statute of Limitations. The plaintiff in this case originally had six years within which to bring his action on the promissory note, which six years expired September 4, 1906. The first petition by plaintiff's attorney was filed May 5, 1906, about four months before the time allowed by the Statute of Limitations expired. The decision of this Court on the first appeal was rendered October 3, 1906. The filing of suit by plaintiff on May 5, 1906, certainly stopped the running of the Statute of Limitations. The case was then pending on trial and appeal from May 5, 1906, to October 3, 1906, or nearly six months. Now if the Statute of Limitations is suspended during the pendency of an appeal, as the foregoing cases unite in holding, these six months during which the case was pending on appeal must be excluded in computing the time during which the Statute of Limitations actually did run. Since, therefore, the plaintiff had about four months before his claim would be barred by the Statute of Limitations when he filed his original petition, and the six months immediately following were consumed by the appeal of the case, it follows clearly that when the judgment of the Supreme Court was rendered, October 3, 1906, he still had about four months within which to sue, even if no amendment or new trial had been granted him, for the Statute of Limitations was suspended during the time the appeal was pending. In other words, so far as the Statute of Limitations is concerned, if plaintiff filed his suit within the time allowed by the Statute, and an appeal was taken from the judgment of the trial court, he was entitled to be placed in statu quo after the decision of the Supreme Court, because the running of the Statute is suspended during the time occupied by appellate proceedings. And this is indeed a just, as well as a necessary, rule. Very few cases are appealed which would not be barred by the Statute of Limitations in the event of a reversal by the Supreme Court, if the decision of the lower court in the case at bar be followed. A plaintiff might have an eminently just claim, but by reason of an erroneous decision of the trial court he might easily be deprived of it altogether, as there would be absolutely no advantage to be gained by appealing the case to a higher court where justice might be done, because, even if such higher court decided in his favor, when he re-entered the trial court he would find his claim barred by the Statute of Limitations. Thus, instead of the decision of the Supreme Court being superior to that of the trial court, the order is reversed and for all practical purposes the decision of the trial court is final, inasmuch as from the date of that decision the Statute of Limitations would again commence to run and would continue to run notwithstanding the fact that an appeal was taken to the Supreme Court. But it is quite unnecessary to go further to show what

great hardship and confusion would result from so obviously wrong a doctrine. Immediately upon the decision of the Supreme Court being handed down in this case, plaintiff, in accordance with that decision, filed an amendment to his petition and began a new trial, although he really had about four months still remaining before his cause of action would have been barred by the Statute of Limitations. It is, therefore, earnestly contended that the lower court was in error in holding that the plaintiff's cause of action was barred, and it is believed that this Court will not do otherwise than to reverse the judgment of the lower court and remand the case with directions.

CONCLUSION.

In conclusion, the attention of the Court is called to the three separate grounds hereinbefore laid down, any one of which, it is believed, will be sufficient to secure a reversal of the decision of the lower court. In brief, these grounds are:

I. The decision of the lower court should be reversed because it was error to allow the defense of the Statute of Limitations to be raised by demurrer, the rule of law being that that defense must be specially pleaded if a party desires to avail himself of it.

II. The decision of the lower court should be reversed because the amendment filed to the original petition did not set up a new cause of action, and the rule of law in case of such an amendment is that the running of the Statute of Limitations is arrested at the date of filing the original pleading.

III. The decision of the lower court should be reversed because at the date of taking an appeal from the first decision of the trial court in this case, holding that plaintiff's petition stated no cause of action, plaintiff still had about four months, so far as the Statute of Limitations was concerned, within which to bring a new action; and the law is that the running of the Statute of Limitations is suspended during the pendency of an appeal. Therefore the four months above mentioned still remained to plaintiff within which to bring a suit, after the decision of the Supreme Court, sustaining the holding of the court below.

In addition to these grounds, the attention of the Court is called to the proposition that if an appellate court decides that plaintiff's original petition states no cause of action, but, believing that plaintiff may have a meritorious cause of action, gives plaintiff the right to amend his petition and a new trial, such appellate court will not subsequently sustain a ruling of the lower court that the amended petition is barred by the Statute of Limitations, where the original petition was not barred, for to do so would be to deprive of efficacy its own previous ruling. On the previous appeal of this case, the Supreme Court gave plaintiff the right to amend his petition and a new trial. Appellee is now before the bar of this Court asking that it render void and of no

effect its own previous ruling in the case. It seems reasonable to assume that plaintiff was given the right to amend his petition in order to avoid the necessity of bringing a new suit. If this had not been intended, the Court would undoubtedly have stopped when it affirmed the finding of the lower court, and plaintiff would have been compelled to seek his remedy as best he could, possibly by a new suit. Instead of doing this, however, the Supreme Court went further and granted plaintiff the right to amend his petition and a new trial. When this right was granted by the Supreme Court it was obligatory upon the court below to see that it was not defeated. Both the letter and the spirit of the decision of the Supreme Court were disregarded by the action of the trial court in holding that plaintiff's cause of action was barred by the Statute of Limitations. Plaintiff was not given a new trial, but was thrown out of the lower court on the ground that his amended petition was barred by the Statute of Limitations. This, in effect, deprived him of the right to amend his petition, for if his amendment had been properly allowed, it would have dated back to the commencement of the original suit, which was brought within the time prescribed by the Statute. If the cause of action was barred by the Statute of Limitations when the Supreme Court directed that plaintiff have another trial, the question may be asked: "Why, then, did not the Supreme Court simply affirm the judgment for the defendant?" Surely no object of justice could be furthered by having plaintiff amend his petition and begin a second suit, if his cause of action was already barred by the Statute of Limitations. In short, since the Supreme Court directed that plaintiff have the right to amend his petition and a new trial, it will see that such mandate is carried out by the lower court. The Supreme Court will not sustain any holding of the lower court by which justice is defeated or its order to the lower court is avoided or altogether disobeyed. To do so would be to relinquish its own authority in favor of the lower court. Plaintiff, immediately upon ascertaining the decision of the Supreme Court amended his petition and began a second trial, and, under these circumstances, he is entitled to have a trial upon the merits of his cause of action.

It may be that defendant prefers to have this case decided upon some theory which prevents the real merits of the case from being considered, but this is not at all in accord with the tendency of great modern jurists, who use every endeavor to see that justice is done upon the merits of each individual case, and that no one may lose a righteous cause of action through a mere inadvertence, not in any way affecting the substantial justice of the case. In the language of Circuit Judge Caldwell, in *McDonald v. State of Nebraska*, supra: "There are in the history of the jurisprudence of every country certain epochs which mark the beginning of distinct trains of legal ideas and judicial conceptions of justice. There was a time in England and in this country when the fundamental principles of right and justice

which courts were created to uphold and enforce were esteemed of minor importance compared to the quibbles, refinements, and technicalities of special pleading. In that period the great fundamentals of the law seemed little, and the trifling things great. The courts were not concerned with the merits of a case, but with the mode of starting it. And they adopted so many subtle, artificial and technical rules governing the statement of actions and defenses—for the entire system of special pleading was built up by the judges without the sanction of any written law—that in many cases the whole contention was whether these rules had been observed, and the merits of the case were never reached, and frequently never thought of. Happily for mankind, and for the law itself, that epoch is past in England and in this country, and we now have an epoch in which substance is more considered than form, in which the justice and right of the case determine its decision, and not some technical error or mistake in the pleadings. In England to-day the amendment complained of in this case would be allowed quite as a matter of course, and the suggestion that defendant had gained some advantage by the mistake would not be entertained for a moment. There, as here, every error or mistake in the pleadings which does not affect the substantial rights of the adverse party may be cured by amendment; and what is meant by substantial right is a right going to the actual merits of the case. Such a right is not acquired by a mistake or error in pleadings which has not misled the other party to his prejudice. And the prejudice must be actual, and irreparable, and not merely theoretical. At this day the party who seeks to profit by an error or mistake in pleading must be able to invoke the principle upon which the law of estoppel is founded. And the emotion of surprise, once so assiduously cultivated by lawyers, has lost its virtue. Extreme sensitiveness to that emotion no longer avails to turn a suitor out of court, or to delay justice.”

It is, therefore, most earnestly urged by counsel for appellant that in the light of the decisions above cited, and the manifest error of the lower court, both in allowing the defense to be set up by demurrer, and in holding that the cause of action was barred by the Statute of Limitations, this Court will reverse the case with such directions as justice and the law may require, and give the appellant the benefit of a trial upon the real merits of the case.

Respectfully submitted,

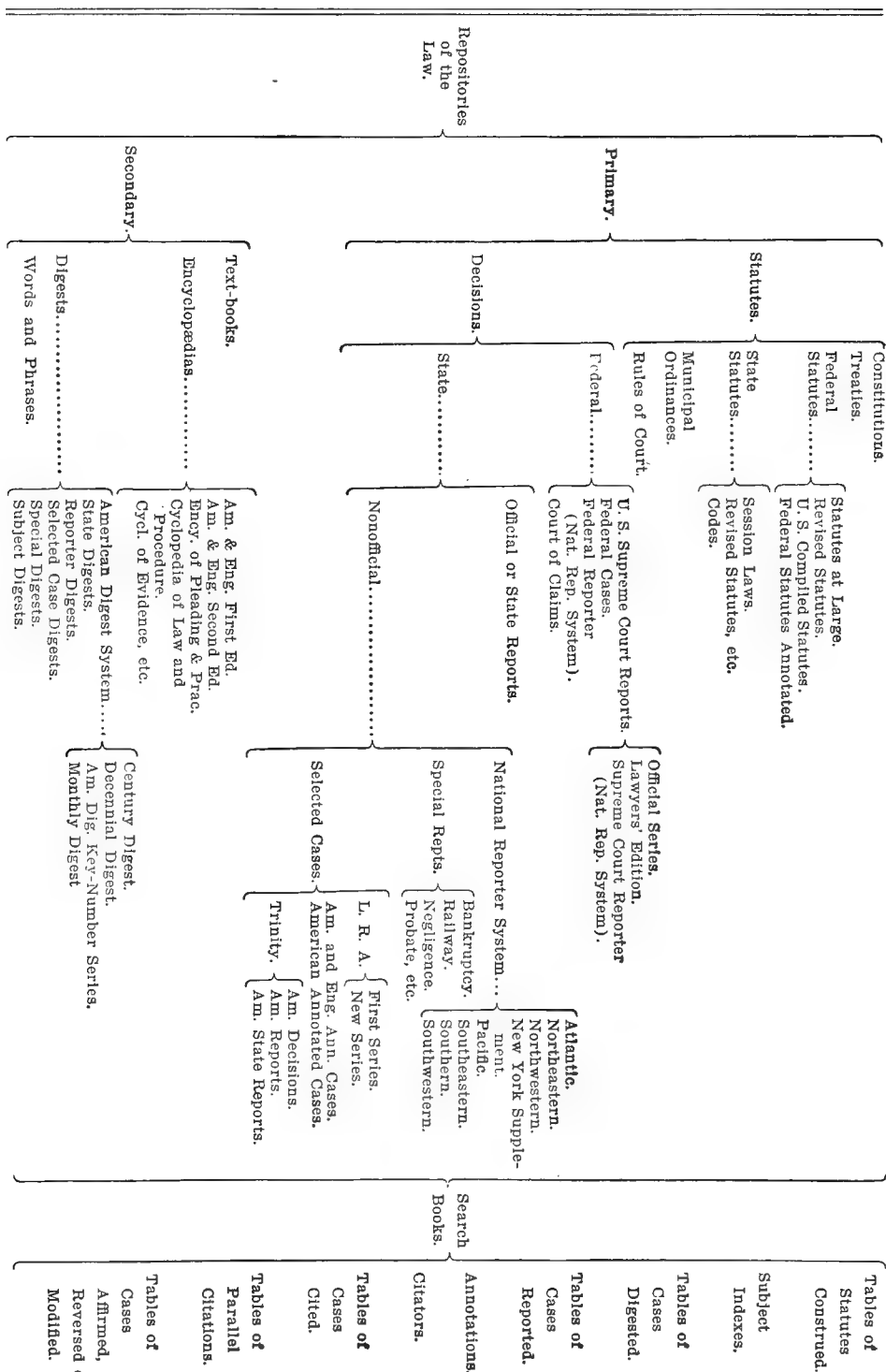
CHARLES E. FEIRICH,
Attorney for Appellant.

PART VI—APPENDIX

A MANUAL OF LEGAL BIBLIOGRAPHY

DIAGRAM

Showing the Various Classes of Law Books and their Relations to Each Other



PART VI—APPENDIX

A MANUAL OF LEGAL BIBLIOGRAPHY

CHAPTER 1.

SPECIMEN BRIEF ON APPEAL.

As a further aid in the preparation of a good brief, there is appended the brief of appellant's counsel in *Gonzalez v. Williams*, 192 U. S. 1, 24 Sup. Ct. 171, 48 L. Ed. 317, which complies with the requirements of rule 21 of the United States Supreme Court (3 Sup. Ct. xii). The absence of a separate division, entitled "Specification of Errors," is explained by the nature of the case, and the fact that there was involved in the appeal only a single question, which is clearly and specifically brought to the attention of the court in the "Statement of the Case."

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1903.

No. 225.

ISABELLA GONZALEZ,
Petitioner-Appellant,

vs.

WILLIAM WILLIAMS, U. S. Commissioner of
Immigration at the Port of New York.

Statement of the Case.

This is an appeal by Isabella Gonzalez from an order of the Circuit Court of the United States for the Southern District of New York dismissing a writ of *habeas corpus* and remanding petitioner-appellant to the custody of the defendant-appellee United States Commissioner of Immigration at the port of New York (Record, fol. 21).

The petition alleged that petitioner, Isabella Gonzalez, was a native-born inhabitant of Porto Rico and was such at the time of the proclamation of the Treaty of Paris (April 11, 1899); that upon arriving from said island of Porto Rico on the 4th day of August, 1902, the said defendant had detained her in custody, prevented her landing and was threatening to return her to Porto Rico (Record, fol. 1).

The return of the defendant to the writ of Habeas Corpus alleged that pursuant to the powers vested in him by the United States Immigration laws he had detained said Gonzalez as an "alien immigrant," in order that she could be returned as such in case it appeared probable that she might become a public charge (Record, fol. 6).

The Circuit Court dismissed the writ on the ground that the petitioner not having been born in the United States nor having ever been naturalized, retained the same status that she had before the cession of Porto Rico by the Treaty of Paris, consequently she was an alien and the Commissioner had jurisdiction to detain or deport her (Record, fols. 15-17).

The sole question here involved is the alienage of appellant.

If she is not an alien the Commissioner admittedly had no jurisdiction and the writ should not have been dismissed.

The law under which the Commissioner acted is as follows:

Act Cong. March 3, 1891, c. 551, § 1, 26 Stat. 1084 [U. S. Comp. St. 1901, p. 1294] provides:

"That the following classes of aliens shall be excluded from admission into the United States in accordance with the existing acts regulating immigration other than those concerning Chinese laborers: "All idiots, insane persons, paupers or persons likely to become a public charge. * * *

"Section 8. That upon the arrival by water at any place within the "United States of any *alien immigrants*, it shall be the duty of the commanding officer and the agents of the steam or sailing vessel by which "they came, to report the name, *nationality*, last residence and destination of every such alien before any of them are landed. * * * "All decisions made by the inspection officers or their assistants touching "the rights of any alien to land, when adverse to such right shall be "final unless appeal be taken to the Superintendent of Immigration, "whose action shall be subject to review by the Secretary of the Treasury. It shall be the duty of the aforesaid officers and agents of such "vessel to adopt due precautions to prevent the landing of any alien "immigrant at any place or time other than that designated by the inspection officers, and any such officer or agent or person in charge of "such vessel who shall either knowingly or negligently land or permit "to land any alien immigrant at any place or time," etc. 26 Stat. 1085 [U. S. Comp. St. 1901, p. 1298].

"Section 10. That all aliens who may unlawfully come to the United "States shall, if practicable, be immediately sent back on the vessel by "which they were brought in. * * *" 26 Stat. 1086 [U. S. Comp. St. 1901, p. 1299].

"Section 11. That any alien who shall come into the United States "in violation of law may be returned as by law provided," etc.

Introduction.

This case is noteworthy in that it involves much more than the liberty of an individual. The answer to the question whether or not petitioner is an alien must settle the status of all the native islanders who were in existence at the time the Spanish possessions were annexed by the United States.

The "Insular Cases" have not determined the question nor are any of the precedents to be found in our history precisely similar to the case of the Porto Rican *ante nati*. This is due to the difference in the nature of our recent acquisitions and those made formerly.

Of the Indian little need be said. Nomad tribes do not long survive the contact with civilization.

The populations taken over from France and Mexico were insignificant in number. They were, moreover, largely of Caucasian race and civilization, and a growing stream of immigration soon made the new lands thoroughly American. Moreover, the two civilizations were in fact equal or nearly so, and the treaties both of Paris (1800) and of Guadalupe Hidalgo (1848), recognized that fact by according to the new inhabitants the rights of American citizens. Thus the problem as to the legal status of the inhabitants of Louisiana and the territory acquired from Mexico was solved or solved itself *ab initio*. The underlying theory upon which both treaties were based was "expansion" rather than "imperialism."

But the problem of to-day cannot be solved either by extermination, as in the case of the Indian, nor by assimilation, as in the case of the few Frenchmen and Spaniards. Neither the methods of Miles Standish nor those of Jefferson will suffice us now. We must move on a heretofore untrodden path and find precedents upon which to base intelligent legislation and administration, not so much in our own history as in that of other nations who have preceded us in attempting to govern non-assimilable peoples.

In such an argument as this we must begin by defining the necessary terms, otherwise we will end as do many legal discussions in having with much clamor demolished a man of straw.

The object is to ascertain exactly what, under existing law, is the constitutional and legal status of the Porto Rican born before April 11, 1899. To call him a citizen when we are in hopeless disagreement as to the meaning of that term will only result in creating added confusion.

If the Circuit Court was correct, then we have to-day a new and seemingly paradoxical legal category of "American Aliens." The object of language is to denote objectively existing facts or relations. What idea the mutually exclusive term "American Aliens" can convey it is difficult to say. The man without a country would thus be transferred from the realm of poetry into the domain of law, since an affirmance of the decision here appealed from would declare the law of the United States, as expounded by its highest tribunal, to be that there exists under the jurisdiction of the United States a large class of persons who are strangers and aliens here and in every other nation of the globe. There can be nothing in law or in fact to justify or necessitate so extraordinary a result.

Brief of the Argument.

I.—The petitioner-appellant cannot be sent back by the Immigration Bureau unless she is an "alien immigrant." If she does not fall within that class the statute cannot affect her; the Commissioner of Immigration had no jurisdiction, and the writ should have been sustained.

II.—The petitioner is not an alien because on April 11, 1899, she ceased to be a Spanish subject and her allegiance unquestioned, complete and permanent, was transferred to the Government of the United States by the Treaty with Spain proclaimed on that date.

This proposition is demonstrated by the following considerations:

(a) Allegiance is determinative of nationality or subjection. Our law of nationality, *i. e.*, the law which determines what persons are American nationals as contradistinguished from foreigners or aliens was derived from and must be examined in the light of the common law. That law makes nationality or subjection dependent upon allegiance.

(b) In the United States the tests as to what constitutes "nationality" or "subjection" are the same as the English common law. The problem has here been confused, however, by the use of the word "citizen" in two senses. It is generally and properly used to indicate the holder of political rights or privileges in a State; as has been aptly said of a citizen in a democracy, "one who possesses a homeopathically diluted dose of sovereignty." Such persons may be accurately characterized as active citizens (burghers). The word has also been used in its broad sense as denoting all members of the nation and in this sense it has been considered as identical with subjection at the common law. Such persons may be characterized as passive citizens.

In our history there have been two apparent exceptions to the rule that passive citizenship and subjection are identical, and we have had persons who were neither citizens nor aliens. The free negroes under the Dred Scott decision were held by this Court not to be citizens, even in the general sense, yet they were not aliens but American nationals or subjects because their allegiance, complete and absolute was owing to the United States. Again, the Indian separated from his tribe was not considered a citizen, yet he could not well have been an alien, because he owed no other allegiance than to the United States.

Elk v. Wilkins, 112 U. S. 94, 5 Sup. Ct. 41, 28 L. Ed. 643.

Karrahoo v. Adams, 1 Dill. 344, Fed. Cas. No. 7,614.

The Porto Rican is, therefore, under our law, a subject or national—the only really debatable question being as to whether he is a citizen in the general sense, having the civil rights and status of such or whether he is a mere subject like the free negro and the Indian above mentioned. In no event is he an alien.

III.—The Judge at Circuit based his decision on the ground that the petitioner, not having been born in the United States, nor naturalized by the Treaty, must have retained her original status just as though Porto Rico had not been annexed; consequently, she remained an alien. Granting *arguendo* the premises, the argument is fallacious in assuming that because the petitioner is not a citizen, she is necessarily, and ipso facto an alien—no such alternative exists. The cession changed her allegiance. That fact is indisputable. The

shifting of her allegiance changed her status from that of a Spanish national into an American national. The Court below overlooked the fact that there may be and have been subjects who are not citizens, and that the two are not necessarily exclusive terms. Hence his error. The treaty cession, if it did not *naturalize* the petitioner at least *nationalized* her.

IV.—This distinction between grades or classes of subjects or nationals is illustrated in the history of other countries. The French courts have held Algerians to be French subjects, in consequence of the *de facto* annexation of Algeria—although in the absence of legislation or treaty they could not be French citizens.

V.—A broad view of the Treaty leads to the conclusion that the natives were not only nationalized, but collectively naturalized by the cession.

ARGUMENT.

I.

Jurisdiction of the Immigration Commissioner.

The Commissioner could have no jurisdiction unless the petitioner were an alien. This is clearly stated by the learned Circuit Judge in the court below.

“The only question open for discussion on this application is whether “or not petitioner is an alien. Upon all other questions the decision “of the appropriate immigration officers, when adverse to the admission “of the alien is made final, unless reversed on appeal to the Secretary of “the Treasury. Act Aug. 18, 1894, c. 301, 28 Stat. 390 [U. S. Comp “St. 1901, p. 1303].

“It is true that this Court held to the contrary in *Re Martorelli* (C. “C.) 63 Fed. 437, following *In re Panzara* (D. C.) 51 Fed. 275, but “the Act of 1894 was not before it. The *Martorelli* Case was decided “in October, 1891, before the statutes of that year were published” (Rec., fols. 15–17).

II.

The cession of Porto Rico definitely transferred the allegiance of the native inhabitants from Spain to the United States.

The Treaty with Spain of December 10, 1898, provides that:

“Article II.

“Spain cedes to the United States the Island of Porto Rico and other Islands now under Spanish sovereignty in the West Indies, and the “Island of Guam in the Marianas or Ladronez.”

“Article III.

“Spain cedes to the United States the archipelago known as the “Philippine Islands, and comprehending the Islands lying within the “following line: * * *

"Article IX.

"Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their *allegiance* to the Crown of Spain by making, before a Court of Record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held *to have renounced it and to have adopted the nationality of the territory in which they may reside.*"

"The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

The treaty thus definitely accomplishes one legal result, it transfers the sovereignty of Spain over the Islands and their peoples to the United States and with such sovereignty necessarily the allegiance of the people, natives of Spain alone possessing the right to preserve their Spanish allegiance upon complying with the requirements of the treaty. The Porto Ricans have thus ceased to owe allegiance to Spain and now owe it to the United States. Whatever consequences follow from this fact cannot be avoided. But their allegiance or subjection having been transferred, they necessarily have become United States nationals or subjects. No other conditions are necessary to constitute American nationality.

The islanders cannot be aliens unless they owe allegiance to some other government, and even the most advanced anti-Imperialist will not contend that they are still subject to Spain, however much he may deprecate the making of the Treaty of Paris.

The man without a country is not known to law. Having ceased to be Spanish subjects or nationals, Porto Ricans are no longer aliens and have become United States nationals or subjects.

The treaty actually accomplished a cession of the territory and a transfer of allegiance. It made the territory domestic territory. *De Lima v. Bidwell*, 182 U. S. 1, 21 Sup. Ct. 743, 45 L. Ed. 1041. The reservation as to political status and civil rights cannot change that cardinal fact. The country ceased to be a foreign country, yet Judge Lacombe holds the native inhabitants to be foreigners.

Aliens are merely foreigners residing or sojourning in the United States. An alien is necessarily a foreigner and must owe allegiance to another country.

"An alien is a foreigner, a person resident in one country but owing allegiance to another." Ency. Law, Alien.

"Alien, not belonging to the same country, land or government or the citizens or subjects thereof; foreign; as alien subjects, enemies,

"property, shores; wholly different in nature; foreign; adverse." Webster's International Dictionary.

"Alien, a stranger born; a person born in another or foreign country "as distinguished from a native or natural born subject or citizen; in "English law, one born out of the legiance or allegiance of the king; in "American law, one born out of the jurisdiction of the United States. "2 Kent's Com., 50. Alien and Foreigner are synonymous terms. "Spratt's Lessee *v.* Spratt, 1 Pet. 343, 7 L. Ed. 171." Burrill's Law Dictionary.

When the Porto Rican ceased to owe allegiance to Spain, it is difficult to see how he could still remain a foreigner. He was an inhabitant of domestic territory. Certainly he occupied a different relation to the United States from that which he had previously sustained. He became subject to its laws and its exclusive sovereignty. These facts must have some significance.

The treaty could not take away his Spanish allegiance, transfer it to the United States and leave him unaffected.

The status of alienage or non-alienage depends upon facts. The facts accomplished by the treaty were none the less facts because the power was reserved to Congress to pass upon the status of the Islanders. Congress cannot make red men white men, even by Joint Resolution, nor can they make Porto Ricans aliens by calling them such. In order to become aliens they would have to pass under another domination. They might be transferred to Spain or ceded to some other power or given independence, but until then they *are and must remain United States nationals*.

The fact of alienage necessarily involves the idea of a power to whom allegiance is due. But no man or woman can owe the debt of allegiance without an equivalent. Who feels the advantage should also bear the burden, says the old adage; but it is equally true that he who is called to bear the burden should derive some benefit or compensation therefrom. What "commodum" or advantage does the appellant reap from her situation? To whom does she owe allegiance, outside of the United States? What nation in the wide world will raise, nay, will be permitted by us to raise a finger or even a voice in behalf of this woman if she is injured in her property and restrained in her liberty? What flag may she look to in her necessity, outside the flag of the United States? Against what Government or nation may she commit treason? And if she should commit such acts, in Porto Rico, against the sovereignty of the United States as constitute that crime, would she go unwhipped of justice because she had not been naturalized a citizen of the United States?

If it should be claimed that a Treaty alone and without an act of Congress cannot raise her out of her condition as a derelict alien, it is plain that such a claim cannot be sustained. The Treaty became from the date of its ratification the supreme law of the land, and the language here is plain and unequivocal. Spain *cedes to the United States* the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies. This cession, accepted as it was, by the United States, necessarily transferred the sovereignty to this Government. That sovereignty plainly is, as it must be, exclusive of any foreign power.

Either Miss Gonzalez is an undefined waif, on the sea of political uncertainty, or she *belongs* to the United States, and may look to it for protection against injury, for redress where wrong has been done and for assistance where

it may be needed against any Government of the earth, Spain included. The new master, viz., the United States, takes her allegiance with a burden, and having deprived her of all claim on the old master, has taken his place.

Other clauses of the Treaty make these considerations even more obvious than they might be if unaided by the terms of that instrument. To some extent, at least, the contracting parties had in contemplation the possible rights of the Spanish citizens who were transferred to a new sovereignty. There is a saving clause allowing an option to *Spanish subjects, natives of the Peninsula*, residing in the territory over which Spain by the Treaty relinquished or ceded her sovereignty. Such residents might *preserve* their allegiance to the Crown of Spain by making before a court of record a declaration of their intention to preserve such allegiance; otherwise they would be held to have renounced it and to have adopted "the *nationality* of the territory" in which they might reside.

"Manifestly the *nationality of the inhabitants* of territory acquired "by conquest or cession becomes that of the government under whose "dominion they pass subject to the right of election on their part to retain their former *nationality* by removal or otherwise, as may be provided."

Boyd v. Thayer, 143 U. S., at page 162, 12 Sup. Ct., at page 382, 36 L. Ed. 103.

This clause may not directly assist Miss Gonzalez, for she is not a native of the Peninsula, and if she were, she has not availed herself of the privilege of filing the necessary declaration within the year. But is it not quite palpable that she has become vested with the same "nationality" as the Spanish native of the Peninsula who has chosen to sever his connection with Spain by failure to file the necessary declaration? It can hardly have been in the contemplation of the parties to the treaty that she and those similarly situated should be without any "nationality" whatever, while other ex-Spaniards assumed by their non-action the nationality of the territory in which they happened to reside. It seems plain that the intention was to make nationality the rule upon which the sole exception engrafted, was that in behalf of the native of the Peninsula. If he was satisfied with the "nationality" of American Porto Rico, he need only abstain from acting at all and the general rule of nationality applied to him.

III.

Allegiance determines Nationality.

(a) Nationality, broadly speaking, means simply membership in some political community. In the ancient world it was dependent upon descent (citizenship *jure sanguinis*) the State being based on the clan, *i. e.*, tribal law. The descendant of a citizen was always a citizen wherever born, and the descendant of a foreigner always a foreigner, unless actually naturalized by positive legislation. At Rome the rule was "once a peregrine always a peregrine." The *Jus Sanguinis* thus inherited from the Roman law became the law in Europe, but for obvious historic reasons never took root in England. In that country the rule of *Jus Soli*, *i. e.*, subjection or citizenship because of birth within the King's allegiance and dominion, was the law from the time of the Norman Conquest. As Prof. Pollock says:

"A foreigner at the head of an army recruited from many lands conquered England, became King of the English and endowed his followers with English lands. For a long time after this there could be little law against aliens, there could hardly be such a thing as English nationality" (History of the English Law, vol. I, p. 443)

Thus it came about that by the English law:

"As regards the definition of the two great classes of men which have to be distinguished from each other, the main rule is very simple. The place of birth is all important. A child born within any territory that is subject to the King of England is a natural-born subject of the King of England" (*Id.*, p. 441).

Coupled with this rule, which has continued in England to be the law down to the present, was the doctrine of indelible allegiance and consequent denial of the right of expatriation. Hence the rule "once a subject always a subject"—but this doctrine was modified so that the right to change one's allegiance was finally recognized by allowing British subjects to expatriate themselves and aliens to become subjects by letters patent from the Crown or by Act of parliament, *i. e.*, by denization or naturalization.

Thus the sole requisite necessary to constitute a British subject is allegiance or subjection. This subjection, whether due to birth within the King's dominion or to a transfer of allegiance from a foreign sovereignty to English sovereignty, is the one essential requisite for determining the nationality of the individual. Either he owes allegiance to the sovereign or he does not. In the one case he is a subject, in the other he is an alien. It is quite evident that these two categories include all men and leave no middle class.

Whatever number of classifications may exist as to subjects and what rights, civil or political, belong to each class or how diverse may be the privileges accorded by law or treaty to aliens of one nation or another, the English rule leaves no room for quibble as to who are aliens and who are subjects.

It is quite clear that by the common law a change of sovereignty from a foreign domination makes the inhabitants, both *ante nati* and *post nati*, British subjects.

"Naturalization by conquest was the consequence of that change in the law of war by which the conqueror instead of gaining captives and slaves and property, obtained dominion and subjects. This was the law soon after the arrival of the Normans in England, and was certainly understood to be so as early as the reign of Henry II, when the people of Ireland became his subjects from the conquest of the island. Lord Coke mentions in his report of Calvin's Case, among the ways by which the denization of an alien may be effected—that of conquest.

"As if the King and his subjects should conquer another kingdom or dominion, as well *ante nati* as *post nati*, as well they which fought in the field, as they which remained at home for the defense of their country, or employed elsewhere, are all denizens of the Kingdom or dominion conquered.'" Coke's Reports, Part VII, folio 6 * * * "by such operation of law it is not too much, to assert, said Chalmers in 1814, that there had been acquired to the British Empire since the commencement of the present reign forty millions of subjects." (Chalmers' Colonial Opinions, 663) Lawrence's Wheaton. Appendix, p. 894.

The English rule on the subject is admirably expounded by Lord Mansfield in *Campbell v. Hall*, 1 Cowper's Reports, 204 (1774). This was an action against the collector of customs of the Island of Grenada to recover certain duties there levied in accordance with a Royal decree. The case thus involved the question as to the power of the Crown over captured territory, Grenada having been captured from the French and Parliament having taken no action in regard thereto.

"The special verdict then states some articles of the capitulation. * * * It next states the 6th Article where to a demand of the inhabitants of Grenada, requiring that they should be maintained in their property and effects, etc., the answer is the inhabitants *being subjects* of Great Britain, will enjoy their properties and privileges in like manner as the other, his majesty's subjects, in the other British Leeward Islands; so that the answer is that *they will have the consequences of their being subjects*, and that they will be as much subjects as any of the other Leeward Islands."

Lord Mansfield then states general propositions governing such a case.

"A country conquered by the British Arms becomes a dominion of the King in the right of his crown; and therefore, necessarily subject to the legislature, the Parliament of Great Britain."

"The 2nd is, *That the conquered inhabitants once received under the King's protection, became subjects, and are to be universally considered in that light, not as enemies or aliens.*"

The converse of this proposition is equally true. It is so stated by the eminent English commentator on International Law, Westlake.

"The cession of a British territory, or the acknowledgment of its independence, causes the loss of their British nationality by all persons domiciled within it at the date of the cession."

Int. Private Law, 203.

Doe v. Acklam, 2 B. & C. 779, held that all British subjects in America became aliens on the signing of the treaty recognizing American independence.

In the case of the Stepney Election Petition, 1886, 17 Q. B. D., 54, it was held that Hanoverians, born before the accession of Victoria, were British subjects, *not aliens*, but by the separation of the Crown they became aliens and could not vote in England. Lord Coleridge there said:

"It has long been settled that while the crowns of the countries, are held by the same persons the inhabitants of the two countries are not aliens in the two countries respectively. * * *"

"The Hanoverian by birth who had needed no naturalization in the lifetime of William IV needed it when the Hanoverian heir and the successor of that monarch was no longer the sovereign of these islands. * * * He became an alien because the sovereign to whom his allegiance was due became a foreign sovereign; * * * The crowns had by accident, been united in one person, but when the union of the crowns came to an end, the union of allegiance ceased too."

Thus the English law both ancient and modern is quite plain. Had Spain ceded Porto Rico to England in the same manner as she did to the United States, no possible doubt could have existed that the native inhabitants were British subjects. No question could have arisen here had it not been for the ambiguous meaning of the term citizen in American law.

The United States Government did not claim until this case arose that the islanders were aliens. The Attorney-General in the Insular cases took the position that they were subjects.

"To be called an American subject is no disgrace. The term does 'not imply anything as to the nature or form of the Government of 'which one is a subject. It imports only that a person is within the 'protection and allegiance,—either permanent or temporary—of a par-'ticular sovereignty; it may be imperial or it may be republican. *It 'does not signify in any degree the grade or status of citizenship oc-'cupied by the person within the domestic economy of his sovereign.*"

"*The Insular Cases.*" Brief of Atty-Gen., 172.

(b) The question as to the meaning of the term citizen and what constitutes citizenship under the United States Constitution and laws, must be examined in the light of the English law.

U. S. *v.* Wong Kim Ark, 169 U. S. 655, 18 Sup. Ct. 456, 42 L. Ed. 890.

See also,

Minor v. Happersett, 21 Wall. 162, 22 L. Ed. 627.

Boyd v. U. S., 116 U. S. 616, 6 Sup. Ct. 524, 29 L. Ed. 746.

Ex parte Wilson, 114 U. S. 417, 5 Sup. Ct. 935, 29 L. Ed. 89.

Smith v. Alabama, 124 U. S. 465, 8 Sup. Ct. 564, 31 L. Ed. 508.

Moore v. U. S., 91 U. S. 270, 23 L. Ed. 346.

"The interpretation of the Constitution of the United States is necessarily influenced by the fact that its provisions are framed in the 'language of the English common law and are to be read in the light 'of its history."

Justice Matthews in *Smith v. Alabama*, 124 U. S. 478, 8 Sup. Ct. 569, 31 L. Ed. 508.

"British subject means any person who owes permanent allegiance 'to the crown' (Dicey, *Conflict of Laws*, 173-177). '*Nationality or 'Allegiance* in substance depended * * * not upon the locality of a 'man's birth, but upon his being born within the jurisdiction and al-'legiance of the King of England."

"The term 'citizen' as understood in our law is precisely analogous 'to the term 'subject' in the common law, and the change of phrase has 'entirely resulted from the change of Government." *United States v. Wong Kim Ark*, 169 U. S., at pages 657, 658-664, 18 Sup. Ct., at pages 460, 462, 42 L. Ed. 890.

In a very recent case this Court again said:

"The term 'citizen' in our law is precisely analogous to the term "'subject' in the common law and the change of phrase has entirely re-

"sulted from the change of government. The sovereignty has been "transferred from one man to the collective body of the people and a "subject' of the king is now a 'citizen' of the State."

Hennessy v. Drug Co., 189 U. S., at pages 34, 35, 23 Sup. Ct., at pages 533, 534, 47 L. Ed. 697.

That the terms citizen and subject are at present identical in meaning is clear from *Minor v. Happersett*, 21 Wall. 162, 22 L. Ed. 627.

"The very idea of a political community, such as a nation is, implies "an association of persons for the promotion of their general welfare. "Each one of the persons associated becomes a member of the nation "formed by the association. *He owes it allegiance and is entitled to its "protection.* Allegiance and protection are, in this connection, reciprocal "obligations. The one is a compensation for the other; allegiance for "protection and protection for allegiance.

"For convenience it has been found necessary to give a name to this "membership. The object is to designate by a title the person and the "relation he bears to the nation. For this purpose the words 'subject,' "inhabitant' and 'citizen' have been used and the choice between them is "sometimes made to depend upon the form of the government. Citizen "is now more commonly employed, however, and as it has been consid- "ered better suited to the description of one living under a republican "government, it was adopted by nearly all the States upon their separa- "tion from Great Britain, and was afterward adopted in the Articles of "Confederation and in the Constitution of the United States. *When "used in this sense it is understood as conveying the idea of member- "ship of a nation and nothing more"* (pp. 165, 166 of 21 Wall. [22 L. Ed. 627]).

As has been tersely said by an eminent publicist:

"The law knows nations only as political communities, as sovereign "and independent States. *Nationality*, therefore, as a legal attribute of "persons, is connection with a certain body politic, membership in a "particular State. The members of a State are called its subjects or "citizens. The former term, if properly construed, is applicable to the "people of any nation without regard to the form of government, for "every State is based upon the relation of its members to its sovereign. "But the word subject has become historically associated with the theo- "ries of feudal and absolute monarchy, and has thus fallen into disfavor."

(*Encyclopædia Political Science and United States History*, article *Nationality*, by Munroe Smith.)

Mr. Butler in his recent work says that the word nationality is used to "distinguish the people of the United States as a people rather than as "a race; the people of the United States forming as they do, a nation, "are necessarily composed of many races—Christian and Mohammedan "—Anglo-Saxon, Teutonic and Latin—Jew and Gentile—all of these, "as well as other racial elements, unite in forming one people as a na- "tion; in this sense therefore 'nationality' signifies as to the people, "the element of homogeneity by which all these people are united, re-

"gardless of internal and sectional differences, into a great nation, owing allegiance to a common government as against all of the other governments of the world."

Butler, Treaty Making Power, p. 16*n.*, vol. I.

Summing up on this point it seems perfectly clear that the transfer of the allegiance of the native inhabitants made them subject to the jurisdiction of the United States; they were no longer foreigners, or aliens, but became subjects or nationals. This is enough for the purpose of the case, but the matter is of such importance that the question may perhaps be elucidated by inquiring whether, if having ceased to be aliens, they have become citizens or whether they form a class of nationals who are not also citizens.

IV.

The change of allegiance, while it made the Porto Rican born before the cession a national or subject, did not necessarily make him a citizen.

The steps by which the Circuit Judge reached his conclusion that the petitioner was an alien are as follows:

I.—The inhabitants of Porto Rico were aliens prior to the ratification of the Treaty of Paris, April 11, 1899.

II.—As such alien inhabitants they could only become citizens of the United States by naturalization.

III.—The petitioner having been born before the treaty, must show that she has been naturalized. She could invoke no law save the treaty of annexation. But conceding the possibility of collective naturalization by treaty, the Treaty of Paris expressly reserved the "civil rights and political status of the native inhabitants" to the future action of Congress.

IV.—Congress not having legislated as to the naturalization of Porto Ricans, they have not become citizens; *therefore, their original status remains unaffected and they are aliens.* Or to use the learned Judge's exact language:

"Being foreign born and not naturalized, she remained an alien and subject to the provisions of law regulating the admission of aliens who come to the United States" (Record, p. 16).

Thus, according to this decision, there is no middle ground between citizens and aliens, and any one who is not an American citizen is necessarily an alien.

"An America alien" certainly would seem, at least to one unaccustomed to some of the startling paradoxes of the law, a strange and monstrous category. Is it a logical result? We think not, and for the following reasons:

It is true that the ninth clause of the Treaty provides that the civil rights and political status of the native inhabitants of the territories ceded to the United States shall be determined by Congress. But this determination belonged to Congress in any event. It may plausibly be contended that the natives of Porto Rico did not become "citizens" by virtue of the Treaty, for the Treaty does not in terms make, or profess to make, them such. It would be enough for our purpose that it "nationalizes" them, which may be quite different in its effect from "naturalizing" them.

If there is no difference between a national and an alien it was quite possible to exclude Miss Gonzalez from our country, because she had not gone through the forms of naturalization and renounced her allegiance to some foreign power which she would have found it difficult to name. If she had named Spain, which had rejected and repudiated her, an element of humor might be injected into the case, but would not relieve it of its difficulties.

"The political status and civil rights" having been reserved for the future action of Congress, it is possible to argue that no naturalization has taken place; it has, however, already been shown that the Porto Ricans were nationalized, that is to say, their allegiance transferred, but as nationalization does not necessarily mean naturalization, it may well be that they occupy an intermediate status between citizens of the United States and aliens. In other words, they are certainly entitled to the protection of the government, and, as far as foreign nations are concerned, are Americans, yet they may not be vested with all the rights of citizens of the United States.

What these rights of citizens of the United States are, it is very difficult to determine. The trend of doctrine in the Supreme Court of the United States seems to be that most of the rights of citizenship are under the protection of the States themselves, that civil liberty was not nationalized by the Fourteenth Amendment, and that only such rights as are expressly secured by the Constitution of the United States belong to the citizen; that for the vindication of all others he must look to the State. Thus the citizen of the United States who is not also a State citizen, but an inhabitant of a Territory, holds his rights subject to the discretion of Congress, except in so far as that body may be limited by the express mandates of the Constitution. *Civil Rights Cases*, 109 U. S. 3, 3 Sup. Ct. 18, 27 L. Ed. 835.

In the recent case of *Maxwell v. Dow*, 176 U. S. 581, at pages 588, 589, 20 Sup. Ct. 448, at pages 451, 452 (44 L. Ed. 597), the Court quotes, with approval, the language of Mr. Justice Miller in the *Slaughter House Cases*, 16 Wall. 36, 21 L. Ed. 394, referring to section 2 of the fourth article of the Constitution, wherein it is provided that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States. The Court says:

"We feel no hesitation in confining these expressions to those privileges and immunities which are in their nature *fundamental*; which "belong of right to the citizens of all free governments, and which "have at all times been enjoyed by citizens of the several States which "compose this Union from the time of their becoming free, independent "and sovereign. What these fundamental principles are it would be "more tedious than difficult to enumerate. They may, however, be all "comprehended under the following general heads: Protection by the "government; * * * The enjoyment of life and liberty with the "right to acquire and possess property of every kind, and to pursue and "obtain happiness and safety, subject, nevertheless, to such restraints as "the government may prescribe for the general good of the whole."

It is thus apparent that the rights of citizens of the United States are almost impossible of definition. The general right to life, liberty and property, provided for by the Constitution and more specifically by the ten Amendments in favor of civil liberty, applies to all men alike, whether citizens or aliens.

Wong Wing v. U. S., 163 U. S. 228, 16 Sup. Ct. 977, 41 L. Ed. 140. See, also, Woodrow Wilson, *The State*, p. 498, § 917.

The only positive right conferred by the Constitution upon a citizen as such seems to be the right to sue in a Federal Court. This was the right which it was held that Dred Scott did not possess because not a citizen. Thus, as far as the Government of the United States is concerned, the inhabitants of the Islands, assuming them to be nationals, but not citizens, could hardly be said to have any lesser civil rights in fact than full citizens of the United States. While they could not sue in Federal Courts, this would scarcely be an additional burden to those that remained at home, because this right only belongs to a citizen of the United States residing in a State. It is not possessed by the residents of the District of Columbia, nor of the Territories of the United States.

As far as the action of the States themselves is concerned, the matter becomes somewhat more complicated. One of the most natural illustrations is as to the holding of real estate in the various States. In many of our States there exists as an obsolete remnant of the old and barbarous *Droit-d' aubaine*, the law by which an alien holder of real estate is subject to an action of forfeiture. This rule, according to the learned Mr. Pollock, arose historically from the habit of the English Crown of confiscating the estates of Norman nobles, situated in England, who swore allegiance to the Crown of France after the separation of Normandy from England. This practice ripened with time into a general rule of law. Its illustrious origin has long been forgotten, and it now remains as a remnant of ancient, time-honored law. *History of the English Law*, Vol. I, 441-50.

It is to be noted, however, that the right to hold real estate free from any interference on the part of the Government is not a right inherent in the citizen as such, but that the prohibition is simply a disability of alienage. Thus, if our theory be correct, a Porto Rican might well hold real estate in the City of New York, free from molestation by the Attorney-General, because, even if not considered a citizen, he certainly is not an alien, and, therefore, not under the consequent disabilities.

It is thus apparent that there are very few, if any, civil rights which in such a view he would not have in common with citizens.

As to political rights, however, the situation is entirely different. Usually, though not always, the right to vote in the various States is conditioned upon citizenship of the United States, and, if our theory be correct, statutes to this effect might not apply to a Porto Rican national, and thus in the absence of State legislation, especially made to fit his case, he would not be allowed to vote in the States. As some of the States, however, allow aliens to vote, after a declaration of intention to become citizens, this disability could and would easily, if the State desired it, be removed for the benefit of those of our new inhabitants who desired to settle in the States.

As a writer on International Law recently put it (Mr. Randolph, in his excellent article on "The Insular Cases"), "There is nothing in the Constitution of the United States to prevent a State from inviting an immigrant to go from the wharf to the polls and vote for presidential electors." *Columbia Law Review*.

It is thus manifest that the distinction here made between aliens and nationals is very important for the Islanders themselves, and if held sound by the Supreme Court of the United States, they will not be under the disability of alien-

age and will enjoy nearly, if not quite, all the ordinary civil rights pertaining to the citizen.

On the other hand, the distinction between the two classes of nationals, namely, citizens of the United States, that is to say, those born or naturalized within the United States, and those not born or naturalized therein, but owing allegiance thereto, is important. If Porto Ricans are not citizens of the United States, all the political privileges accorded by law to citizens as such would not apply to them, and thus in the absence of special legislation they would have no political rights in the various States until the States chose to change their legislation. In so far as the Islanders remaining at home are concerned, they would, in any event, be subject to the complete control of Congress in the matter of political rights, the Constitution placing no limitation upon Congress, acting in and for the Territories, in that respect. In this regard they would be under no greater political disability than inhabitants of the District of Columbia.

It seems to us that this conclusion harmonizes with the general theory of the Treaty makers and the general policy of the government, which is to confer the ordinary civil rights upon the new inhabitants, while withholding from them all political privileges.

It may be asked whether they have the right to trial by jury and to the other civil rights guaranteed by the Constitution. It is sufficient to say that these rights are in no wise dependent, either upon citizenship or alienage. They are accorded to all persons within the United States—although that term is now impossible of delimitation. *Insular Cases*, 182 U. S. 1-391, 21 Sup. Ct. 743-827, 45 L. Ed. 1041-1146.

It is quite possible, however, that the Supreme Court might decide that some of these limitations were only operative upon Congress when acting within the United States, in the narrow sense, proper, and that, therefore, they did not apply to the new inhabitants. *Territory of Hawaii v. Osaki Mankichi*, 190 U. S. 197, 23 Sup. Ct. 787, 47 L. Ed. 1016. It is thus seen that this question is entirely beside that of citizenship or alienage and has only to do with the applicability of certain portions of the constitution when limiting the power of Congress in legislating for the new territory.

This theory, while according to our new nationals certain rights, and conferring upon them a country, does not in any way interfere with the policies of the people of the United States by giving to the new peoples any political power, and hence any voice as to our government or institutions. They are alike cut off, in both cases, from any injurious interference in the destinies of the nation.

It is evident that there may be various gradations or subdivisions of subjection. Subjects may possess varying degrees of civil or political rights as is well said by one of the latest writers upon the subject.

“Generally the term citizen is used in regard to the ‘national’ invested with all civil and political rights. We must not, however, confuse, as is too often done, these two terms. *Every national indeed is not a citizen, although every citizen is a national.* In France, for instance, minors, married women and incompetents are not citizens, but they nevertheless possess French nationality; they are deprived of political rights and only possess the enjoyment of civil rights. The Algerians have not even the enjoyment of civil rights; they are governed by the Mussulman law in their relation between themselves, and yet

"they have been solemnly declared Frenchmen by the *senatus consultus* of 1865, and the decisions of the Court had upon several occasions theretofore recognized that they possessed this quality (French nationality)." (Cogordan, La. Nationalité, pp. 7-8.)

The great publicist Bluntschli, following the same line of thought, says:

"The body of full citizens rise above the general mass of the members of a country or nation. Full citizenship implies membership in the nation, but more than that, it implies complete political rights; it is thus the fullest expression of the relation of the individual to the State." (Theory of the State, English translation, p. 203.)

The framers of the Constitution probably supposed that in the United States, nationality and subjection were identical, that is to say, that all persons within the permanent allegiance of the United States were citizens just as such persons had been subjects of Great Britain before the Revolution. This view seems to have been practically undisturbed in the United States until the famous case of *Dred Scott v. Sanford*, 19 How. 399, 15 L. Ed. 691, which held that subjection and citizenship were not necessarily identical and that there existed a class of persons in the United States who, although not aliens, were nevertheless not citizens. We refer to the status of the free Negro before the enactment of the XIVth Amendment.

"The words (in the Constitution) 'people of the United States' and 'citizens' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the Government through their representatives. * * * Congress might, as we have before said, have authorized the naturalization of Indians, because they were aliens and foreigners. * * * *The African race, however, born in the country, did owe allegiance to the Government, whether they were slave or free; but it is repudiated and rejected from the duties and obligations of citizenship in marked language.*" Pages 404, 405 of 19 How. [15 L. Ed. 691].

The question involved in the *Dred Scott* Case was whether a free negro could sue as a citizen in the federal courts, and the decision was based upon the fact that he could not have been a member of the political people. It was the impossibility that he should have been invested with political rights that led the Court to declare him a mere subject.

The status of the colored race was, until the enactment of the XIVth Amendment changed their status, settled by this decision.

Mr. Chief Justice Fuller in his dissenting opinion in the case of *United States v. Wong Kim Ark*, 169 U. S. 649, 18 Sup. Ct. 456, 42 L. Ed. 890, says:

"Nor would a naturalization law excepting persons of a certain race and their children be invalid, unless the amendment has abridged the power of naturalization. This cannot apply to *our colored fellow-citizens, who never were aliens.*" Page 729 of 169 U. S., page 487 of 18 Sup. Ct. [42 L. Ed. 890].

It was for the purpose of removing from our jurisprudence this class of persons who owed the United States allegiance and yet were not citizens that the 14th Amendment defined citizenship. This definition made citizenship

and subjection at the common law identical, as Mr. Chief Justice Fuller said, in the Wong Kim Ark Case (page 727 of 169 U. S., page 486 of 18 Sup. Ct. [42 L. Ed. 890]) referring to the fact that the 14th Amendment was intended to apply to the colored race:

“They were not aliens (and even if they could be so regarded, this “operated as a collective naturalization) and their political status could “not be affected by any change of the laws for the naturalization of individuals.”

As this Court said in *Elk v. Wilkins*, 112 U. S. 101, 5 Sup. Ct. 45, 28 L. Ed. 643:

“The main object of the opening sentence of the XIVth Amendment was to settle the question, upon which there had been a difference “of opinion throughout the country and in this Court, as to the citizenship of free negroes (*Scott v. Sandford*, 19 How. 393, 15 L. Ed. 691); “and to put it beyond doubt that all persons, white or black, and whether formerly slaves or not, born or naturalized in the United States, and “owing no *allegiance to any alien power*, should be citizens of the “United States and of the State in which they reside.”

The only other instance in the history of the United States in which subjection and citizenship have not been identical is that of the status of the Indian living apart from his tribe and who has assumed the habits of civilization.

In the case of *Elk v. Wilkins*, *supra*, it was held that an Indian, born a member of one of the tribes, who was voluntarily separated from his tribe and had taken up his residence among the white citizens of a State is not a citizen of the United States within the meaning of the 14th Amendment.

The theory as to the legal status of Indians has always been, since the case of the *Cherokee Nation v. Georgia*, 5 Pet. 1, 8 L. Ed. 25, that the Indian member of a tribe owed immediate allegiance to his tribe, which was in turn under a general protectorate of the United States, and hence did not come either within the definition of subjection at the common law, or within the purview of the XIVth Amendment. Consequently it was necessary to consider him as an alien, a member of a tribe which the United States recognized at least as *quasi* independent by making treaties with it.

“The Indian tribes, being within the territorial limits of the United States, were not, strictly speaking, foreign States; but they were alien “nations, distinct political communities, with whom the United States “might and habitually did deal, as they thought fit, either through treaties made by the President and Senate, or through acts of Congress “in the ordinary forms of legislation. The members of those tribes “owed immediate allegiance to their several tribes, and were not part of “the people of the United States.” *Elk v. Wilkins*, 112 U. S. 99, 5 Sup. Ct. 44, 28 L. Ed. 643.

On this theory, therefore, Elk was held not to be a citizen of the United States; having, however, renounced his allegiance to his tribe, it would seem that he had become at least a subject of the United States, and this was the view expressed by Mr. Justice Harlan in his dissenting opinion.

“If he (Elk) did not acquire national citizenship on abandoning his “tribe and becoming, by residence in one of the States, subject to the

"complete jurisdiction of the United States, then the Fourteenth Amendment has wholly failed to accomplish, in respect of the Indian race, "what, we think, was intended by it; and there is still in this country "a despised and rejected class of persons, with no nationality whatever, "who, born in our territory, *owing no allegiance to any foreign power*, "and subject, as residents of the States, to all the burdens of government, are yet not members of any political community nor entitled to any "of the rights, privileges, or immunities of citizens of the United States." *Elk v. Wilkins*, 112 U. S. 122, 5 Sup. Ct. 56, 28 L. Ed. 643.

Evidently Congress considered that an end should be put to so anomalous a situation and soon enacted that Indians who had separated themselves from their tribes and taken up civilized life should be considered citizens of the United States. Act Feb. 8, 1887, c. 119, § 6, 24 Stat. 388, 390.

We have instanced the case of the free negro and of the Indian separated from his tribe, as the only illustration within our history in which it was possible to consider that we had a class of persons who, while owing allegiance to no foreign government, were not citizens, but merely subjects of the United States.

This is doubtless due to the fact that in our history we have been so little brought into contact with races inferior to us in development and civilization. Our former growth has been rather by expansion and assimilation than through the method of imperialism, *i. e.*, the domination over men of one order or kind of civilization, by men of a different and higher civilization. The negro problem was set at rest by the war and the Fourteenth Amendment; the Indian problem by the ruthless progress of civilization, which compelled the opening up and exploiting of the American continent by the overflowing population of old Europe. In the contact, the Indian gradually perished and the problem was reduced to very minor proportions through the agencies of fire water, gunpowder and well-intended but unwise policy.

The logic of events is often more powerful than that of Aristotle.

V.

Illustrations of distinction between subjects and citizens.

Other civilized nations have, however, been brought into contact with uncivilized or semi-civilized tribes or people who became wholly subject to their jurisdiction, and whose legal status it was consequently necessary to solve.

We have seen that the English law has always treated such persons from the moment of the severance of their allegiance from their former masters as British subjects.

This natural and necessary consequence is also admirably illustrated by one of the most recent territorial acquisitions of France,—that of Algeria.

"The conquest of a country like Algeria gives rise to questions which "cannot be governed by the application of the ordinary rules of law followed in Europe. In practice it has been admitted that the Algerians "were *French subjects*, not citizens (it must be remembered) from the "moment that their country was definitely annexed to France. Hence "the tribunal of Paris did not hesitate to declare, even before the treaty

"of Tafna, of 20th of March, 1837, that the Algerians were like other Frenchmen, dispensed from the necessity of furnishing security for costs." Cogordan, *La Nationalité*.

The question was thus very similar to that involved in this case, as in neither case had the executive or the legislative authorities conferred any rights of citizenship upon the annexed people, but their allegiance had been transferred from their former sovereign to the new one. The Court of Cassation declared that although there was no legislation fixing their status, and it had not been established by any treaty, nevertheless the Ordinance of the 10th of August, 1834, had submitted the Algerians to French law and sovereignty, and from that time it was no longer possible to treat them as aliens.

"In declaring in its Art. 109 the union of Algeria and the Colonies to the French Republic, the Constitution of November, 1848, did not effect anything as to the nationality of the inhabitants; since we find the counsel for the order of lawyers of Algeria contesting the claim of a native to be a Frenchman and hence the possibility of his admission to the bar; this case coming before the Court of Cassation it was held that by the very fact of the conquest of Algeria the Israelite natives became French subjects. Placed, indeed, under the direct and immediate sovereignty of France, they are unable in any event to claim the benefit or aid of any other nationality, *from which it follows necessarily that the quality of Frenchmen can alone thereafter be the basis and rule of their civil and political condition.*" Glard, *Nationalité Française*, p. 380.

In matters of private law the Mohammedan subjects were left under their own rules and customs.

The French Government thus recognized a situation which we, until very recent years, refused to recognize in the case of the Indians, namely, that such tribes or peoples living under a different law and civilization, possessing a complete organization of their own, should be treated as nationals of the sovereignty to which they were really subject, but should be in their private relations governed by their tribal law. While we did not interfere with the tribal law of the Indians, we yet affected to assimilate them rather to a foreign people than to nationals, and made treaties with them, in preference to legislating for them directly. Our legal theory was thus at variance with the actual facts.

The Algerian subject is accorded no political rights whatever and can possess none except by becoming a French citizen. This the Algerian may become either by legislation, for example, the Décret Crémieux, October, 1870, conferred French citizenship on the Israelite inhabitants of Algeria, or by naturalization, but this naturalization is somewhat different from the naturalization of an alien. The Algerian has only to make a simple declaration before the mayor, and after examination as to morality, etc., by the mayor and upon the recommendation of the Council of State, the naturalization is granted as matter of right.

Already French, the native Mohammedan is subject after his naturalization to all the French civil and political laws; he pays the French and not the Arab taxes. He becomes immediately an elector, and eligible to Parliament, etc.

Glard, *Nationalité Française*, 263.

An analogous question was presented when France annexed Cochin China. The native Anamite inhabitant is declared by law (Decree 25th, 1881) French, but he remains subject to his own local laws and customs except in special cases in which by complying with certain formalities he may be placed under the jurisdiction of the French law, just as in Algeria he may acquire the civil rights of a citizen by showing that he has reached the age of twenty-one and is able to speak the French language, etc. (Cogordan, *La Nationalité*, p. 139).

By the cession of Taïti to France in lieu of the former protectorate, the whole native population became French subjects. The law (31 Dec., 1880), declared that "French nationality has been acquired (*de plein droit*) by all the former subjects of the King of Taïti."

"Such a disposition is self-explanatory; the sole manner of escaping "the result is emigration or the acquisition of a foreign nationality; "they are no longer subjects of the king of Taïti" (Glard, *Nationalité Française*, p. 408).

See also other illustrations mentioned in Argument for Plaintiffs in Error *De Lima v. Bidwell*, 182 U. S. 76-78, 21 Sup. Ct. 743, 45 L. Ed. 1041.

We have thus seen that subjection is dependent upon allegiance, but that the civil and political rights of subjects may vary from those of the subjects who have full political rights (active citizens) to those who have limited civil rights (mere subjects). In our law and that of civilized States generally, except in cases of dependencies inhabited by semi or uncivilized people there are but two classes of subjects or citizens, namely, active citizens, that is to say those possessing political rights (burghers), and passive citizens, that is to say, those possessing full civil but no political rights, such as minors, women and incompetents. It is only, as the historic illustrations cited have shown, when civilized nations come into contact with people of a lower order of civilization that there is any disposition to refuse to subjects the ordinary civil rights. In Europe and America even aliens possess almost, if not quite, all of the civil rights belonging to citizens, such as the right to possess property, to have recourse to the courts, etc.

It is for this reason that it has been difficult for us to apprehend that naturalization did not necessarily comport naturalization and that persons might cease to be foreigners or aliens without becoming citizens. We have seen that under our law the civil rights of citizenship in a broad sense, which would not also be possessed by any subjects or nationals of the United States, would be very few—the right to sue in the Federal Courts would be almost the only one belonging to passive citizens as distinguished from mere subjects. The fact that a national was deprived of these rights would not convert him into an alien and he would not be governed by the laws relating to alienage.

VI.

Conclusion.

There are three possible courses which this court may adopt:

1. It may affirm the decision below and declare native islanders, born before the cession, aliens.

2. It may hold that the cession by transferring the allegiance of the natives made them United States subjects or nationals and that as such they are not

under the statutory disabilities of alienage and cannot be deported under the Immigration law.

3. The Court may take the view that the cession of the Islands accomplished the naturalization of the native people and that they became passive citizens of the United States entitled to all civil rights of such.

See argument of undersigned counsel, *De Lima v. Bidwell*, 182 U. S. 3, 21 Sup. Ct. 743, 45 L. Ed. 1041.

It seems to us quite obvious that the choice will be between the last two. It would be impossible to affirm the judgment of the Court below without leading to an absurd and unnecessary result. Plain terms would cease to have any meaning and we would consider aliens persons who owed us their sole allegiance and to whom we owed our protection. Such a result is too palpably defiant of the laws of thought and language, is altogether anomalous and we must respectfully submit is clearly impossible.

The Court might, however, adopting the suggestion of the Circuit Judge that the treaty expressly refrained from naturalizing the native population, hold that they were not citizens, and as such not possessed of any civil rights, but that they had become American nationals or subjects and were therefore, not within the purview of statutes aimed at aliens.

This result could be supported by the precedent of the free Negro and the detached Indian,

Dred Scott v. Sanford, and *Elk v. Wilkins*, *infra*,

and was the view taken by the Attorney-General of the United States at the time of the argument of the Insular Cases. While it has some logical force and may be supported by the two precedents referred to as well as by the precedents adduced from the history of foreign nations, such as that of Algeria, it seems to us nevertheless to be a narrow view.

The third view would seem to be more compatible with sound political science, as well as more in accord with the spirit of our Constitution, and the jurisprudence of this Court. While it may be said that the treaty reserved to Congress the right to pass upon the civil rights of the native inhabitants, the treaty could not change facts. It had accomplished the cession and the results naturally and necessarily following from cession cannot be avoided.

It could not have made the country a foreign country by stating that it should remain foreign although ceded to the United States and subject to its plenary jurisdiction.

Even the treaty-making power and Congress together cannot change facts by violating the laws of language.

It therefore seems to us that the cession of the territory, its becoming domestic territory (*De Lima v. Bidwell*), with the transfer of the allegiance of its inhabitants, naturalized the natives in the sense that they became passive citizens of the United States, entitled to all the rights, privileges and immunities of such. *Boyd v. Thayer*, 143 U. S. 162, 12 Sup. Ct. 382, 36 L. Ed. 103.

Unless we adopt this course we are forced to have recourse to the two precedents in our history of which we are least proud, and to introduce for the third time into our system a class of persons whom it has always been our object to be free from. The XIVth Amendment, annulling the result of the *Dred Scott* Case, the Act of Congress doing away with the result reached in *Elk v. Wilkins*,

would go for naught, and we would again be confronted by a situation in which citizenship and subjection were not identical.

The two precedents above adverted to give us no encouragement to attempt for the third time a repetition of that peculiar, and, from the standpoint of American civilization, most anomalous result.

All of which is respectfully submitted.

Dated, New York, November 30, 1903.

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CHAPTER 2.

LIST OF AMERICAN REPORTS.

Following is a list of American reports, federal and state, showing the manner of designating the different volumes and the place where the National Reporter System connects with the different series:

FEDERAL REPORTS.

UNITED STATES SUPREME COURT.

	Vols.	How Cited.	Date.
Dallas	4....	Dall. (or 1-4 U. S.).....	1789-1800
Cranch	9....	Cranch (or 5-13 U. S.)....	1801-1815
Wheaton	12....	Wheat. (or 14-25 U. S.)..	1816-1827
Peters	16....	Pet. (or 26-41 U. S.)....	1828-1842
Howard	24....	How. (or 42-65 U. S.)....	1843-1860
Black	2....	Black (or 66-67 U. S.)....	1861-1862
Wallace	23....	Wall. (or 68-90 U. S.)....	1863-1874

From 1875 the volumes of the United States Reports are designated by number, beginning with volume 91, 92, 93, etc., to date. Volume 230 United States Reports was published in 1913.

The Supreme Court Reporter commences with the cases in volume 106 United States Reports (October, 1882), and reports all subsequent cases. Volume 33 was the last volume published on going to press.

Collateral Reports.

	Vols.	Date.
Curtis' Decisions.....	22....	1790-1854
Miller's Decisions.....	4....	1854-1862
Lawyers' Edition.....	57....	1790-1913

The Lawyers' Edition is a continuing series.

CIRCUIT COURTS OF APPEALS.

The Circuit Courts of Appeals Reports (C. C. A.) cover all cases in the United States Circuit Courts of Appeals from their establishment in 1891 down to the present time. The volumes are numbered consecutively. Volume 121 was the last volume published on going to press.

The Federal Reporter, beginning with volume 47, contains all the cases reported in the C. C. A. from the beginning to the present time.

CIRCUIT AND DISTRICT COURTS.

	Vols.	How Cited.	Date.
Federal Cases	31....	Fed. Cas.....	1789-1879
Federal Reporter	—....	Fed.	1880—

The Federal Reporter connects with the Federal Cases and reports all decisions since 1880. Volume 205 was the last volume published on going to press.

	<i>Collateral Reports.</i>	Vols.	Date.
Meyers' Federal Decisions.....		30....	1790-1882

COMMERCE COURT.

All decisions of the Commerce Court, from its organization, are reported in the Federal Reporter.

COURT OF CLAIMS.

	Vols.	Date.
Devereux	1....	1855-1856

The Court of Claims Reports began in 1863 and are designated by number. Volume 47 is the last volume published on going to press.

INTERSTATE COMMERCE COMMISSION.

The Interstate Commerce Reports began in 1887 and 26 volumes have been issued up to the time of going to press.

COURT OF CUSTOMS APPEALS.

The Court of Customs Appeals Reports began in 1910 and two volumes have been issued up to the time of going to press.

STATE REPORTS.

ALABAMA.

	Vols.	How Cited.	Date.
Minor	1....	Minor	1820-1826
Stewart	3....	Stew.	1827-1831
Stewart and Porter.....	5....	Stew. & P.....	1831-1834
Porter	9....	Port.	1834-1839

From 1839 the volumes of the Alabama Reports are numbered consecutively, beginning volume 1, 2, 3, etc., to date. Volume 174 was the last volume published on going to press.

The Alabama Appellate Court Reports date from 1911, the volumes being numbered consecutively. Volume 6 was the last volume published on going to press.

The Southern Reporter commences with the cases in volume 81 Alabama (December, 1886), and volume 1 Alabama Appellate Court (April, 1911), and reports all subsequent cases.

ALASKA.

There have been three volumes of the Alaska Reports published to date, covering the decisions of the District Courts of Alaska from May 17, 1884, to January 1, 1910.

ARIZONA.

The Arizona Reports date from 1866, and from the beginning the volumes have been numbered consecutively. Volume 13 was the last volume published on going to press.

The Pacific Reporter contains all the Arizona cases from the beginning to the present time.

ARKANSAS.

The Arkansas Reports date from 1837, and from the beginning the volumes have been numbered consecutively.¹ Volume 102 was the last volume published on going to press.

The Southwestern Reporter commences with the cases in volume 47 Arkansas (November, 1885), and reports all subsequent cases.

CALIFORNIA.

The California Reports date from 1850, and from the beginning the volumes have been numbered consecutively. Volume 164 was the last volume published on going to press.

The California Appellate Reports began in 1905 and continue to the present time, the volumes being numbered consecutively. Volume 19 was the last volume published on going to press.

The Pacific Reporter commences with the cases in volume 64 California (July, 1883), and volume 1 California Appellate Reports (May, 1905), reporting all subsequent cases of both courts.

The California Unreported Cases is a series in 7 volumes containing the opinions of the Supreme Court and the District Courts of Appeal not reported in the official reports. The series covers the unreported cases from 1866 to 1910. All of the cases from volume 2, page 226, to the end of volume 7, are reported in the Pacific Reporter.

¹ Vols. 1 to 5 Ark. are sometimes cited as 1-5 Pike; and vols. 6 to 13 Ark. are often cited as 1-8 Eng., the reporter's name being English.

COLORADO.

The Colorado Supreme Reports date from 1864, and continue to the present time, the volumes being numbered consecutively. Volume 54 was the last volume published on going to press. The Colorado Appeals Reports date from 1891 and continue to 1905, when the court was abolished, 20 volumes of Reports having been issued. In 1911 the Court of Appeals was again established, the Legislature providing that the court shall exist for a period of four years, and that the volumes of Reports shall be numbered consecutively, beginning with volume 21. Volume 23 was the last volume published on going to press.

The Pacific Reporter commences with the cases in volume 7 Colorado Reports (December, 1883) and volume 1 Colorado Appeals Reports (June, 1891), and reports all subsequent decisions of both courts.

CONNECTICUT.

	Vols.	How Cited.	Date.
Kirby	1....	Kirby	1785-1788
Root	2....	Root	1789-1798
Day	5....	Day	1802-1813

From 1813 the volumes of the Connecticut Reports are numbered consecutively, beginning volume 1, 2, 3, etc., to date. Volume 85 was the last volume published on going to press.

The Atlantic Reporter commences with the cases in volume 53 Connecticut (May, 1885), and reports all subsequent cases. A few cases from volume 52 Connecticut are also reported in the Atlantic Reporter.

DAKOTA.

The Dakota Reports date from 1867 and continue to 1889, when the Territory was changed into the States of North Dakota and South Dakota. The volumes are designated by number, 1-6 Dakota.

The Northwestern Reporter contains all Dakota decisions and all the decisions of the Supreme Courts of North and South Dakota from their organization to date.

DELAWARE.

	Vols.	How Cited.	Date.
Harrington	5....	Har. (Del.).....	1832-1855
Houston	9....	Houst.	1855-1892
Marvel	2....	Marv.	1893-1897
Pennewill	7....	Pennewill	1897-1909
Boyce	—....	Boyce	1909—
Houston's Criminal Reports.....	1....	Houst. Cr.....	1856-1879
Delaware Chancery Reports.....	—....	Del. Ch.	1814—

Volume 1 Boyce and volume 8 Delaware Chancery are the latest volumes published up to the time of going to press.

The Atlantic Reporter commences with the cases in volume 7 Houston (July, 1886), and 6 Delaware Chancery (July, 1886), and reports all subsequent cases to date. All of the cases in Boyce's Reports, and in both volumes of Marvel and all volumes of Pennewill are also reported in the Atlantic Reporter.

STATE REPORTS—Continued.

DISTRICT OF COLUMBIA.

	Vols.	Date.
Cranch (D. C. 1-5).....	5....	1801-1840
Hayward & Hazleton.....	2....	1840-1863
District of Columbia Reports (D. C. 6-7).....	2....	1863-1872
McArthur (D. C. 8-10).....	3....	1873-1879
McArthur and Mackey (D. C. 11).....	1....	1879-1880
Mackey (D. C. 12-21).....	10....	1880-1893
Appeal Cases (App. D. C.).....	—....	1893—

The District of Columbia Reports date from 1801. To 1893 the volumes are designated by the names of the court reporters and also by number, with the exception of Hayward and Hazleton's Reports (1840-1863), which are designated by the names of the reports only. With volume 21 (1893) the reports of the Supreme Court of the District of Columbia cease, the appellate jurisdiction theretofore held by that court being transferred to a new court, styled the "Court of Appeals of the District of Columbia," whose decisions are reported under the caption, "Appeal Cases, District of Columbia," cited "App. D. C." There are 39 volumes of this series to date, volume 1 joining on to volume 21 District of Columbia Reports.

FLORIDA.

The Florida Reports date from 1846, all the volumes being numbered consecutively. Volume 64 was the last volume published on going to press.

The Southern Reporter commences with the cases in volume 23 Florida (January, 1887), and reports all subsequent cases.

GEORGIA.

	Vols.	How Cited.	Date.
Charlton (T. U. P.).....	1....	T. U. P. Charlton.....	1805-1810
Charlton (R. M.).....	1....	R. M. Charlton.....	1811-1837
Dudley.....	1....	Dud. (Ga.).....	1831-1833
Georgia Decisions.....	1....	Ga. Dec.....	1842-1843

From 1846 the volumes of the Georgia Reports are numbered consecutively, beginning volume 1, 2, 3, etc., to date. Volume 139 was the last volume published on going to press.

The Georgia Appeals Reports date from 1907, the volumes being numbered consecutively. Volume 11 was the last volume published on going to press.

The Southeastern Reporter commences with the cases in volume 79 Georgia (January, 1887) and Volume 1 Georgia Appeals Reports (January, 1907), and reports all subsequent cases of both courts. Volumes 77 and 78 Georgia are partially covered by the Southeastern Reporter.

HAWAII.

The Hawaiian Reports date from 1847, and from the beginning the volumes have been numbered consecutively. Volume 20 was the last volume published on going to press.

IDAHO.

The Idaho Reports date from 1866, all the volumes being numbered consecutively. Volume 23 was the last volume published on going to press.

The Pacific Reporter commences with the cases in volume 2 Idaho (September, 1881), and reports all subsequent cases.

ILLINOIS.

	Vols.	How Cited.	Date.
Breese (1 Ill.).....	1....	Breese	1819-1831
Scammon (2-5 Ill.).....	4....	Scam.	1832-1843
Gilman (6-10 Ill.).....	5....	Gilm.	1844-1849

To 1849 the volumes of the Illinois Reports are designated by number and by the names of the court reporters. From 1849 the volumes are designated by number only, beginning volume 11, 12, etc., to date. Volume 258 was the last volume published on going to press.

The Northeastern Reporter commences with the cases in volume 114 Illinois (May, 1885), and reports all subsequent cases.

The Illinois Appeals Reports date from 1877, and are numbered consecutively, volume 178 being the last volume published on going to press.

INDIANA.

	Vols.	How Cited.	Date.
Blackford	8....	Blackf.	1820-1847
Wilson (Super. Ct.).....	1....	Wils. (Ind.)	1871-1874

From 1847 the volumes of the Indiana Reports are numbered consecutively, beginning volume 1, 2, 3, etc., to date.

The Indiana Appellate Reports date from 1890 and continue to the present time, all the volumes being numbered consecutively. Volume 177 Indiana and volume 49 Indiana Appeals were the last volumes published on going to press.

The Northeastern Reporter commences with the cases in volume 102 Indiana (March, 1885) and volume 1 Indiana Appellate Reports (March, 1891), reporting all subsequent cases of both courts.

INDIAN TERRITORY.

The Indian Territory Reports date from 1896, and continue until 1907 when the Territory became part of the state of Oklahoma. There are 7 volumes, all of which are numbered consecutively.

The Southwestern Reporter contains all the cases reported in the Indian Territory Reports from the beginning.

IOWA.

	Vols.	How Cited.	Date.
Morris	1....	Morris	1839-1846
Greene	4....	G. Greene	1847-1854

From 1854 the volumes of Iowa Reports are numbered consecutively, beginning volume 1, 2, 3, etc., to date. Volume 154 was the last volume published on going to press.

The Northwestern Reporter commences with the cases in volume 51 Iowa (December, 1878), and reports all subsequent cases.

STATE REPORTS—Continued.**KANSAS.**

The Kansas Reports date from 1862, all the volumes numbered consecutively.

The Kansas Appellate Reports date from 1895, and continue to 1901, when the court was discontinued, 10 volumes being published.

Volume 89 Kansas was the last volume published on going to press.

The Pacific Reporter commences with the cases in volume 30 Kansas (May, 1883), and volume 1 Kansas Appellate Reports (1895), reporting all subsequent cases of both courts.

KENTUCKY.

	Vols.	How Cited.	Date.
Hughes	1....	Hughes (Ky.).....	1785-1801
Kentucky Decisions (Sneed).....	1....	Ky. Dec.....	1801-1805
Hardin	1....	Hardin	1805-1808
Bibb	4....	Bibb	1808-1817
Marshall (A. K.).....	3....	A. K. Marsh.....	1817-1821
Littell	5....	Litt.	1822-1824
Littell's Select Cases.....	1....	Litt. Sel. Cas.....	1795-1821
Monroe (T. B.).....	7....	T. B. Mon.....	1824-1828
Marshall (J. J.).....	7....	J. J. Marsh.....	1829-1832
Dana	9....	Dana	1833-1840
Monroe (Ben.).....	18....	B. Mon.....	1840-1857
Metcalf	4....	Metc. (Ky.).....	1858-1863
Duvall	2....	Duv.	1863-1866
Bush	14....	Bush	1866-1879

From 1879 the volumes of the Kentucky Reports are numbered consecutively, beginning volume 78, 79, 80, etc., to date. Volume 153 was the last volume published on going to press.

The Southwestern Reporter commences with the cases in volume 85 Kentucky (June, 1886), and reports all subsequent cases.

LOUISIANA.

	Vols.	How Cited.	Date.
Martin	12....	Mart.	1809-1823
Martin (New Series).....	8....	Mart. (N. S.).....	1823-1830
Louisiana Reports.....	19....	La.	1830-1841
Robinson	12....	Rob.	1841-1846
Louisiana Annual Reports.....	52....	La. Ann.....	1846-1900
Louisiana Annual Reports (National Reporter System Edition)	4 (Vols. 49-52).....		1897-1900

From 1900 the volumes of the Louisiana Reports are numbered consecutively, beginning volume 104, 105, etc., to date. From 1900 to 1902 two editions of these Reports were published. One series was entitled the Louisiana Reports, and the other the Louisiana Reports, National Reporter System Edition. In 1902, beginning with volume 109, the Louisiana Reports, National Reporter System Edition, became the "official" and only edition published. Volume 132 was the last volume published on going to press.

The Southern Reporter commences with the cases in volume 39 Louisiana Annual (January, 1887), and reports all subsequent cases to date.

MAINE.

	Vols.	How Cited.	Date.
Greenleaf (Maine, 1-9).....	9....	Greenl.	1820-1832
Fairfield (Maine, 10-12).....	3....	Fairf.	1833-1835

From 1835 the volumes of the Maine Reports are numbered consecutively beginning volume 13, 14, 15, etc., to date. Volume 109 was the last volume published on going to press.

The Atlantic Reporter commences with the cases in volume 78 Maine (August, 1885), and reports all subsequent cases.

MARYLAND.**Law.**

	Vols.	How Cited.	Date.
Harris and McHenry.....	4....	Har. & McH.....	1658-1799
Harris and Johnson.....	7....	Har. & J.....	1800-1826
Harris and Gill.....	2....	Har. & G.....	1826-1829
Gill and Johnson.....	12....	Gill & J.....	1829-1842
Gill	9....	Gill	1843-1851

Chancery.

	Vols.	How Cited.	Date.
Bland's Chancery Reports.....	3....	Bland	1811-1832
Maryland Chancery Reports.....	4....	Md. Ch.....	1847-1854

From 1851 the volumes of the Maryland Law Reports are numbered consecutively, beginning volume 1, 2, 3, etc., to date. Volume 119 was the last volume published on going to press.

The Atlantic Reporter commences with the cases in volume 64 Maryland (June, 1885), and reports all subsequent cases.

MASSACHUSETTS.

	Vols.	How Cited.	Date.
Massachusetts Reports (1-17).....	17....	Mass.	1804-1822
Pickering	24....	Pick. (or 18-41 Mass.)....	1822-1839
Metcalf	13....	Met. or Metc. (or 42-54 Mass.)	1840-1847
Cushing	12....	Cush. (or 55-66 Mass.)....	1848-1853
Gray	16....	Gray (or 67-82 Mass.)....	1854-1860
Allen	14....	Allen (or 83-96 Mass.)....	1861-1867
Quincy's Reports.....	1....	Quincy	1762-1772
Thacher's Criminal Cases..	1 .....	.....	1823-1842
Cushing's Contested Election Cases .	1 .....	.....	1780-1852

From 1867 the volumes of the Massachusetts Reports are numbered consecutively, beginning volume 97, 98, etc., to date. Volume 213 was the last volume published on going to press.

The Northeastern Reporter commences with the cases in volume 139 Massachusetts (November, 1884), and reports all subsequent cases.

STATE REPORTS—Continued.

MICHIGAN.

	Vols.	How Cited.	Date.
Harrington's Chancery.....	1....	Har. (Mich.)	1836-1842
Walker's Chancery.....	1....	Walk. (Mich.)	1842-1845
Douglass	2....	Doug. (Mich.)	1843-1847
Brown's Nisi Prius.....	2.....		1869-1871
Howell's Nisi Prius.....	1.....		1868—

From 1847 the volumes of the Michigan Reports are numbered consecutively, beginning volume 1, 2, 3, etc., to date. Volume 172 was the last volume published on going to press.

The Northwestern Reporter commences with the cases in volume 41 Michigan (June, 1879), and reports all subsequent cases.

MINNESOTA.

The Minnesota Reports date from 1851, all the volumes numbered consecutively. Volume 120 was the last volume published on going to press.

The Northwestern Reporter commences with the cases in volume 26 Minnesota (March, 1879), and reports all subsequent cases.

MISSISSIPPI.

Law.

	Vols.	How Cited.	Date.
Walker (Miss. 1).....	1....	Walk. (Miss.)	1820-1832
Howard (Miss. 2-8).....	7....	How. (Miss.)	1834-1843
Smedes and Marshall (Miss. 9-22).....	14....	Smedes & M.....	1843-1850

Chancery.

	Vols.	Date.
Freeman's Chancery.....	1....	1839-1843
Smedes and Marshall's Chancery.....	1....	1840-1843

From 1850 the volumes of the Mississippi Reports are numbered consecutively, beginning volume 23, 24, etc., to date. Volume 101 was the last volume published on going to press.

The Southern Reporter commences with the cases in volume 64 Mississippi (October, 1886), and reports all subsequent cases.

MISSOURI.

The Missouri Reports date from 1821, all volumes being numbered consecutively.

The Missouri Appeals Reports date from 1876, all volumes being numbered consecutively.

Volume 247 Missouri and volume 170 Missouri Appeals were the last volumes published on going to press.

The Southwestern Reporter commences with the cases in volume 89 Missouri Reports (1886) and volume 94 Missouri Appeals Reports (1902), and reports all subsequent cases of both courts. Volume 93 Missouri Appeals is partially covered by the Southwestern Reporter.

MONTANA.

The Montana Reports date from 1868, all volumes being numbered consecutively. Volume 46 was the last volume published on going to press.

The Pacific Reporter commences with the cases in volume 4 Montana (January, 1881), and reports all subsequent cases.

NEBRASKA.

The Nebraska Reports date from 1854, all volumes being numbered consecutively. Volume 92 was the last volume published on going to press.

The Northwestern Reporter commences with the cases in volume 9 Nebraska (January, 1879), and reports all subsequent cases.

The decisions of the Supreme Court Commission of Nebraska were published in the Nebraska Reports Unofficial; the volumes being numbered consecutively. The Commission was created in 1901, and continued until 1905, when it was abolished, 5 volumes of reports being published. These decisions are also reported in the Northwestern Reporter.

NEVADA.

The Nevada Reports date from 1865, all volumes being numbered consecutively. Volume 34 was the last volume published on going to press.

The Pacific Reporter commences with the cases in volume 17 Nevada (January, 1882), and reports all subsequent cases.

NEW HAMPSHIRE.

	Vols.	How Cited.	Date.
Smith	1....	Smith (N. H.).....	1802-1816
New Hampshire Reports (N. H. 1-20)	20....	N. H.	1816-1850
Foster (N. H. 21-31).....	11....	Fost.	1850-1855

From 1855 the volumes of the New Hampshire Reports are numbered consecutively, beginning volume 32, 33, etc., to date. Volume 76 was the last volume published on going to press.

The Atlantic Reporter commences with the cases in volume 64 New Hampshire (March, 1886), and reports all subsequent cases. Volume 63 New Hampshire is partially covered by the Atlantic Reporter.

NEW JERSEY.**Law.**

	Vols.	How Cited.	Date.
Coxe	1....	Coxe (or 1 N. J. Law).....	1790-1795
Pennington	2....	Pen. (or 2, 3 N. J. Law).....	1806-1813
Southard	2....	South. (or 4, 5 N. J. Law).....	1816-1820
Halsted	7....	Halst. (or 6-12 N. J. Law).....	{ 1796-1804 1821-1831
Green	3....	Green (or 13-15 N. J. Law).....	1831-1836
Harrison	4....	Har. (N. J.) (or 16-19 N. J. Law).....	1837-1842
Spencer	1....	Spen. (or 20 N. J. Law).....	1842-1846
Zabriskie	4....	Zab. (or 21-24 N. J. Law).....	1847-1855
Dutcher	5....	Dutch. (or 25-29 N. J. Law).....	1855-1862
Vroom	—....	Vroom (or 30— N. J. Law).....	1862—

STATE REPORTS—Continued.

NEW JERSEY—Continued.

Chancery.

	Vols.	How Cited.	Date.
Saxton	1....	Sax. (or 1 N. J. Eq.).....	1830-1832
Green	3....	Green Ch. (or 2-4 N. J. Eq.).....	1834-1845
Halsted	4....	Halst. Ch. (or 5-8 N. J. Eq.).....	1845-1853
Stockton	3....	Stockt. (or 9-11 N. J. Eq.).....	1852-1858
Beasley	2....	Beas. (or 12, 13 N. J. Eq.).....	1858-1860
McCarter	2....	McCar. (or 14, 15 N. J. Eq.).....	1861-1862
Green C. E.....	12....	C. E. Green (or 16-27 N. J. Eq.)..	1862-1876
Stewart	18....	Stew. (N. J.) (or 28-45 N. J. Eq.)..	1877-1889
Dickinson	21....	Dick. (or 46-66 N. J. Eq.).....	1889-1905
Robbins	4....	Robb. (or 67-70 N. J. Eq.).....	1905-1907
Buchanan.....	—....	Buch. (or 71— N. J. Eq.).....	1908—

The volumes of the New Jersey Law and the New Jersey Equity Reports are designated from the beginning by number and by the names of the court reporters. Volume 54 Vroom (83 New Jersey Law) and volume 11 Buchanan (81 New Jersey Equity) were the last volumes published on going to press.

The Atlantic Reporter commences with the cases in volume 48 New Jersey Law (November, 1885) and volume 41 New Jersey Equity (October, 1885), and reports all subsequent cases in both series. Volumes 40 New Jersey Equity and 47 New Jersey Law are partially covered by the Atlantic Reporter.

NEW MEXICO.

The New Mexico Reports date from 1852, all volumes numbered consecutively. Volume 16 was the last volume published on going to press.

The Pacific Reporter commences with the cases in volume 3 New Mexico (March, 1883), and reports all subsequent cases.

NEW YORK.

Law.

	Vols.	How Cited.	Date.
Coleman's Cases.....	1....	Col. Cas.....	1794-1800
Coleman & Caine's Cases.....	1....	Col. & Cai. Cas.....	1794-1805
Johnson's Cases.....	3....	Johns. Cas.	1799-1803
Caine	3....	Cai.	1803-1805
Caine's Cases.....	2....	Cai. Cas.	1796-1805
Johnson	20....	Johns.	1806-1823
Anthon's Nisi Prius Cases.....	1....	Anth. N. P.....	1807-1851
Yates' Select Cases.....	1....	Yates Sel. Cas.....	1811
Cowen	9....	Cow.	1823-1829
Wendell	26....	Wend.	1828-1841
Hill	7....	Hill	1841-1844
Denio	5....	Denio	1845-1848
Lalor's Supplement to Hill and Denio	1....	Lalor	1842-1844
Edmond's Select Cases.....	2....	Edm. Sel. Cas.....	1834-1883
Lockwood's Reversed Cases.....	1....	Lock. Rev. Cas.....	1799-1847

NEW YORK—Continued.**Chancery.**

	Vols.	How Cited.	Date.
Johnson	7....	Johns. Ch.	1814-1823
Hopkins	1....	Hopk. Ch.	1823-1826
Paige	11....	Paige	1828-1845
Edwards	4....	Edw. Ch.	1831-1850
Hoffman	1....	Hoff. Ch.	1839-1840
Clarke	1....	Clarke	1839-1841
Sandford	4....	Sandf. Ch.	1843-1847
Barbour	3....	Barb. Ch.	1845-1848

Court of Appeals (Regular).

	Vols.	How Cited.	Date.
Comstock	4....	Comst. (or 1-4 N. Y.).....	1847-1851
Selden	6....	Seld. (or 5-10 N. Y.).....	1851-1854
Kernan	4....	Kern. (or 11-14 N. Y.)....	1854-1856

The volumes of the New York Court of Appeals Reports are designated both by the names of the court reporters and by number to 1856. From 1856 (volume 15) to date by number only. Volume 208 was the last volume published on going to press.

The Northeastern Reporter commences with the cases in volume 99 New York (April, 1885), and reports all subsequent decisions of the New York Court of Appeals.

Court of Appeals (Special).

(Containing Cases Unreported in Regular Series.)

	Vols.	How Cited.	Date.
Howard's Appeal Cases.....	1....	How. Cas.	1847-1848
Keyes	4....	Keyes	1863-1868
Abbott	4....	Abb. Dec.	1850-1869
Selden's Notes.....	1....	.....	1852-1854
Transcript Appéals.....	7....	.....	1867-1868
Silvernail	4....	.....	1886-1892

Lower Courts of Record.***Supreme Court Reports.***

	Vols.	How Cited.	Date.
Barbour	67....	Barb.	1847-1877
Lansing	7....	Lans.	1869-1873
Thompson & Cook	6....	Thomp. & C.	1874-1875
Hun	92....	Hun	1874-1895
Silvernail	5....	Silv.	1889-1890
Appellate Division	—....	App. Div.	1896—

Volume 155 Appellate Division was the last volume published on going to press.

STATE REPORTS—Continued.

NEW YORK—Continued.

Lower Courts of Record—Continued.

Practice and Code Reports.

	Vols.	How Cited.	Date.
Howard's Practice.....	67....	How. Pr.	1844-1885
Howard's Practice (N. S.).....	3....	How. Pr. N. S.	1883-1886
Code Reporter.....	3....	Code Repr.	1848-1851
Code Reports (N. S.).....	1....	Code Rep. N. S.	1850-1852
Abbott's Practice	19....	Abb. Pr.	1854-1865
Abbott's Practice (N. S.).....	16....	Abb. Pr. N. S.	1865-1875
Abbott's New Cases.....	31....	Abb. N. C.	1876-1894
New York City Court Reports.....	2....	N. Y. City Ct. Rep.	1874-1888
New York Civil Procedure.....	39....	N. Y. Civ. Proc. R.	1881-1909
New York Civil Procedure (N. S.)—	....	N. Y. Civ. Proc. R. (N. S.) ..	1909—
New York Miscellaneous.....	—....	Misc.	1892—
New York Annot. Cases.....	—....	N. Y. Ann. Cas.	1894—

The New York Civil Procedure Reports ceased publication with volume 39, and were succeeded by the New York Civil Procedure Reports (New Series), of which 3 volumes have been issued to date. Volume 80 New York Miscellaneous and volume 20 New York Annotated Cases were the last volumes published on going to press.

Surrogate Court Reports.

	Vols.	How Cited.	Date.
Bradford	4....	Bradf.	1849-1857
Redfield	5....	Redf.	1857-1882
Tucker	1....	Tuck.	1864-1869
Demarest	6....	Dem.	1882-1888
Connoly	2....	.....	1888-1891
Powers	1....	.....	1891-1894
Gibbons	2....	.....	1894-1898
Mills .....	—....	.....	1899—

Volume 7 Mills was published in 1913.

Superior Court Reports.

	Vols.	How Cited.	Date.
Hall	2....	Hall (or 1-2 N. Y. Super. Ct.) ..	1828-1829
Sandford	5....	Sandf. (or 3-7 N. Y. Super. Ct.) ..	1847-1852
Duer	6....	Duer (or 8-13 N. Y. Super. Ct.) ..	1852-1857
Bosworth	10....	Bosw. (or 14-23 N. Y. Super. Ct.) ..	1856-1863
Robertson	7....	Rob. (or 24-30 N. Y. Super. Ct.) ..	1863-1868
Sweeney	2....	Sweeney (or 31-32 N. Y. Super. Ct.) ..	1869-1870
Jones & Spencer	29....	Jones & S. (or 33-61 N. Y. Super. Ct.) ..	1871-1892
Buffalo Superior Court (Sheldon's Reports) ..	1....	.....	1854-1875

NEW YORK—Continued.**Lower Courts of Record—Continued.***Common Pleas Reports.*

	Vols.	How Cited.	Date.
Smith (E. D.).....	4....	E. D. Smith.....	1850-1854
Hilton	2....	Hilt.	1855-1860
Daly	16....	Daly	1859-1891

Criminal Reports.

	Vols.	Date.
Wheeler's Criminal Cases.....	3....	1791-1825
Rogers' City Hall Recorder.....	6....	1816-1822
Parker's Criminal.....	6....	1823-1868
Cowen's Criminal.....	2....	1868-1883
New York Criminal.....	—....	1883—

Volume 27 New York Criminal Reports was the last volume published on going to press.

The New York Supplement (a supplemental member of the National Reporter System) was established in 1888, and reports the decisions of all the lower courts of record of New York. It commences with the cases in the Supreme Court Reports at volume 49 Hun, volume 1 Silvernail, and volume 1 Hun's Appellate Division; with the Practice and Code Reports at volume 23 Abbott's New Cases, volume 16 New York Civil Procedure Reports, volume 1 New York Miscellaneous Reports and volume 1 New York (Benjamin's) Annotated Cases; with the Surrogate Court Reports at volume 1 Connolly and volume 1 Gibbons; with the Superior Court Reports at volume 56 (24 Jones and Spencer); with the Common Pleas Reports at volume 15 Daly; and with the New York Criminal Reports at volume 7. One hundred and forty-two volumes of the New York Supplement have been published on going to press. The earlier volumes contain many cases reported in full, which appear in Hun's Reports as memoranda only, without the text of the opinions.

The New York State Reporter was established in 1886, and covered, in addition to the decisions of the courts reported in the New York Supplement, the New York Court of Appeals Reports. It was discontinued in 1897.

NORTH CAROLINA.

	Vols.	Formerly Cited.	Now Cited.	Date.
Martin	2....	Mart. (N. C.).....	1 N. C.....	1778-1797
Taylor	1....	Tayl. (N. C.).....	1 N. C.....	1798-1802
Conference by Cameron & Norwood..	1....	N. C. Conf.....	1 N. C.....	1800-1804
Haywood	2....	Hayw. (N. C.).....	2, 3 N. C.....	1789-1806
Carolina Law Repository	2....	Car. L. R.....	4 N. C.....	1813-1816
North Carolina Term Reports	1....	N. C. Term Rep....	4 N. C.....	1816-1818
Murphey	3....	Murph.	5-7 N. C.....	1804-1819
Hawks	4....	Hawks	8-11 N. C.....	1820-1826
Devereux's Law.....	4....	Dev. Law.....	12-15 N. C.....	1826-1834

STATE REPORTS—Continued.

NORTH CAROLINA—Continued.

	Vols.	Formerly Cited.	Now Cited.	Date.
Devereux's Equity....	2....	Dev. Eq.....	16, 17 N. C.....	1826-1834
Devereux & Battle's Law ¹	4....	Dev. & Bat. Law....	18-20 N. C.....	1834-1839
Devereux & Battle's Equity	2....	Dev. & Bat. Eq.....	21, 22 N. C.....	1834-1839
Iredell's Law.....	13....	Ired. Law.....	23-35 N. C.....	1840-1852
Iredell's Equity.....	8....	Ired. Eq.....	36-43 N. C.....	1840-1852
Busbee's Law.....	1....	Busb. Law.....	44 N. C.....	1852-1853
Busbee's Eq.....	1....	Busb. Eq.....	45 N. C.....	1852-1853
Jones' Law.....	8....	Jones' Law.....	46-53 N. C.....	1853-1862
Jones' Eq.....	6....	Jones' Eq.....	54-59 N. C.....	1853-1863
Winston	2....	Winst.	60 N. C.....	1863-1864
Phillip's Law.....	1....	Phil. Law.....	61 N. C.....	1866-1868
Phillip's Eq.....	1....	Phil. Eq.....	62 N. C.....	1866-1868

Up to 1906, the reports listed above were cited by the Reporter's name and volume number, but in June, 1906, the Supreme Court of North Carolina adopted a rule requiring counsel in the future to cite these reports by the consecutive volume number of the series; e. g., the report formerly known as "1 Jones' Law" should now be cited as "46 N. C." In conformity with this rule, this later mode of citation is now followed in the North Carolina Reports, the National Reporter System, and other current reports.

From 1868 the volumes of the North Carolina Reports are numbered consecutively, beginning volume 63, 64, etc., to date. Volume 161 was the last volume published on going to press.

The Southeastern Reporter commences with the cases in volume 96 North Carolina (January, 1887), and reports all subsequent cases.

NORTH DAKOTA.

The North Dakota Reports date from 1889, all the volumes being numbered consecutively. (See Dakota.)

Volume 23 North Dakota was the last volume published on going to press.

The Northwestern Reporter contains all the North Dakota decisions from the beginning to the present time.

OHIO.

From 1821 to 1851 the decisions of the Supreme Court of Ohio are reported in a series known as the Ohio Reports, the volumes being numbered consecutively from 1 to 20.

From 1851 the Ohio Supreme Court decisions have been published under the title of the Ohio State Reports, the volumes being designated by number, beginning volume 1, 2, 3, etc., to date. Volume 87 is the last volume published on going to press.

The Northeastern Reporter commences with the cases in volume 43 Ohio State (February, 1885) and reports all subsequent cases.

¹Vols. 3 & 4 Dev. & Bat. Law are contained in vol. 20 N. C.

OHIO—Continued.**Miscellaneous Ohio Reports.**

	Vols.	How Cited.	Date.
Tappan (Common Pleas).....	1....	Tapp.	1816-1819
Wright (Supreme Court).....	1....	Wright	1831-1834
Handy (Cin. Super. Ct.).....	2....	Handy	1854-1856
Disney (Cin. Super. Ct.).....	2....	Disn.	1854-1859
Cincinnati Superior Court.....	2....	Cin. Super. Ct.....	1870-1873
Ohio Decisions Reprint.....	13....	Ohio Dec.	1843-1897
Ohio Decisions (Superior and Common Pleas)	21....	Ohio S. & C. P. Dec.....	1883—
Ohio Nisi Prius.....	18....	Ohio N. P.....	1883—
Ohio Nisi Prius (New Series)...	13....	Ohio N. P. (N. S.).....	1903—
Ohio Circuit Decisions.....	22....	Ohio Cir. Dec.....	1885—
Ohio Circuit Court Reports.....	32....	Ohio Cir. Ct. R.....	1885—
Ohio Circuit Court Reports (New Series)	15....	Ohio Cir. Ct. (N. S.).....	1903—

OKLAHOMA.

The Oklahoma Reports date from 1890, all volumes being numbered consecutively. Volume 35 was the last volume published on going to press.

The Oklahoma Criminal Reports, containing criminal cases determined in the Supreme Court and in the Criminal Court of Appeals, began in 1909 and continue to the present time, there being 8 volumes published up to the time of going to press.

The Pacific Reporter contains all Oklahoma decisions in both the Supreme Court and Criminal Court of Appeals, from the beginning to the present time.

OREGON.

The Oregon Reports date from 1853, all volumes being numbered consecutively. Volume 62 was the last volume published on going to press.

The Pacific Reporter commences with the cases in volume 11 Oregon (1883), and reports all subsequent cases.

PENNSYLVANIA.

	Vols.	How Cited.	Date.
Dallas	4....	Dall.	1754-1806
Addison	1....	Add. (Pa.)	1791-1799
Yeates	4....	Yeates	1791-1808
Binney	6....	Binn.	1799-1814
Sergeant & Rawle.....	17....	Serg. & R.....	1814-1828
Rawle	5....	Rawle	1828-1835
Penrose & Watts.....	3....	Pen. & W.....	1829-1832
Watts	10....	Watts	1832-1840
Wharton	6....	Whart.	1835-1841
Watts & Sergeant.....	9....	Watts & S.....	1841-1845

From 1844-45 the decisions of the Supreme Court of Pennsylvania have been published under the title of the Pennsylvania State Reports, the volumes

STATE REPORTS—Continued.

PENNSYLVANIA—Continued.

being numbered consecutively, beginning volume 1, 2, 3, etc., to date. Volume 239 was the last volume published on going to press.

The Atlantic Reporter commences with the cases in volume 110 Pennsylvania State (May, 1885), and reports all subsequent cases. Volume 109 Pennsylvania is partially covered by the Atlantic Reporter.

Miscellaneous Pennsylvania Reports.

	Vols.	How Cited.	Date.
Ashmead	2....	Ashm.	1808-1841
Brewster	4....	Brewst.	1856-1873
Brightly	1....	Brightly	1809-1851
Browne	2....	Browne	1801-1814
Clarke	5....	Clarke	1842-1865
Grant's Cases.....	3....	Grant's Cas.....	1852-1863
Kulp	11....	Kulp	1882-1901
Miles	2....	Miles	1835-1841
Monaghan	2....	Monag.	1888-1891
Parsons' Equity Cases.....	2....	Pars. Eq. Cas.....	1841-1851
Pearson	2....	Pears.	1850-1880
Pennypacker	4....	Penny.	1881-1884
Pennsylvania County Court Reports	36....	Pa. Co. Ct. R.....	1885—
Pennsylvania District Court Re- ports	16....	Pa. Dist. R.....	1892-1907
Pennsylvania Superior Court Re- ports	—....	Pa. Super. R.....	1895—
Philadelphia Reports.....	20....	Phila.	1850-1893
Pittsburgh Reports.....	3....	Pittsb.	1853-1873
Walker Supreme Court Cases.....	4....	Walk.	1889-1901
Wilcox	1....	Wilcox	1888-1889
Woodward's Decisions.....	2....	Woodw. Dec.	1861-1874

The Pennsylvania Superior Court Reports date from 1895, and the volumes are numbered consecutively, the last volume issued on going to press being volume 52.

PHILIPPINE ISLANDS.

The Philippine Reports date from 1901, the volumes being numbered consecutively. Volume 21 was the last volume issued on going to press.

PORTO RICO.

The Porto Rico Federal Reports date from 1905, volume 5 being the last volume issued on going to press.

The Porto Rico Supreme Court Reports date from 1907, volume 17 being the last volume issued on going to press.

RHODE ISLAND.

The Rhode Island Reports date from 1828, all volumes being numbered consecutively. Volume 34 was the last volume published on going to press.

The Atlantic Reporter commences with the cases in volume 15 Rhode Island (April, 1885), and reports all subsequent cases.

SOUTH CAROLINA.**Law.**

	Vols.	How Cited.	Date.
Bay	2....	Bay	1783-1804
Brevard	3....	Brev.	1793-1816
Treadway (included in Brevard's Reports, vol. 3).....	2....	Tread.	1812-1816
Mill (Constitutional).....	1....	Mill	1817-1818
Nott & McCord.....	2....	Nott & McC.	1817-1820
McCord	4....	McCord	1821-1828
Harper	1....	Harp.	1823-1830
Bailey	2....	Bailey	1828-1832
Hill	3....	Hill (S. C.).....	1833-1837
Riley	1....	Riley	1836-1837
Dudley	1....	Dud. (S. C.).....	1837-1838
Rice	1....	Rice	1838-1839
Cheves	1....	Chev.	1839-1840
McMullan	2....	McMul.	1840-1842
Spear	2....	Spear	1842-1844
Strobhart	5....	Strobh.	1846-1850
Richardson	15....	Rich.	1844-1846 1850-1868

Chancery.

	Vols.	How Cited.	Date.
Desaussure	4....	Desaus.	1784-1816
Harper	1....	Harp. Eq.....	1824
McCord	2....	McCord, Eq.	1825-1827
Bailey	1....	Bail. Eq.....	1830-1831
Richardson's Cases.....	1....	Rich. Eq. Cas.....	1831-1832
Hill	2....	Hill, Eq.....	1833-1837
Riley	1....	Riley, Eq.....	1836-1837
Dudley	1....	Dud. Eq.....	1837-1838
Rice	1....	Rice, Eq.....	1838-1839
Cheves	1....	Chev. Eq.	1839-1840
McMullan	1....	McMul. Eq.	1840-1842
Spear	1....	Spear, Eq.	1842-1844
Strobhart	4....	Strobh. Eq.	1846-1850
Richardson	14....	Rich. Eq.	1844-1846 1850-1868

From 1868 the decisions of the Supreme Court of South Carolina have been published under the title of the South Carolina Reports, New Series, the volumes being numbered consecutively, beginning volume 1, 2, 3, etc., to date. Volume 93 was the last volume published on going to press.

The Southeastern Reporter commences with the cases in volume 26 South Carolina (April, 1886), and reports all subsequent cases.

SOUTH DAKOTA.

The South Dakota Reports date from 1889, all volumes being numbered consecutively. (See Dakota.) Volume 29 was the last volume issued on going to press.

The Northwestern Reporter contains all the South Dakota decisions from the beginning to the present time.

STATE REPORTS—Continued.

TENNESSEE.

Law.

	Vols.	How Cited.	Date.
Overton	2....	Over. (or 1, 2 Tenn.).....	1791-1817
Cooke	1....	Cooke (or 3 Tenn.).....	1811-1814
Haywood	3....	Hayw. (or 4-6 Tenn.).....	1816-1818
Peck	1....	Peck (or 7 Tenn.).....	1822-1824
Martin & Yerger.....	1....	Mart. & Y. (or 8 Tenn.)...	1825-1828
Yerger	10....	Yerg. (or 9-18 Tenn.).....	1828-1837
Meigs	1....	Meigs (or 19 Tenn.).....	1838-1839
Humphreys	11....	Humph. (or 20-30 Tenn.)	1839-1851
Swan	2....	Swan (or 31, 32 Tenn.)..	1851-1853
Sneed	5....	Sneed (or 33-37 Tenn.)..	1853-1858
Head	3....	Head (or 38-40 Tenn.)...	1858-1859
Coldwell	7....	Cold. (or 41-47 Tenn.)...	1860-1870
Heiskell	12....	Heisk. (or 48-59 Tenn.)..	1870-1874
Baxter	9....	Baxt. (or 60-68 Tenn.)...	1872-1878
Lea	16....	Lea (or 69-84 Tenn.)	1878-1886
Pickle	24....	Pickle (or 85-108 Tenn.)..	1886-1902
Cates	—....	Cates (or 109— Tenn.)..	1902—

Chancery.

	Vols.	Date.
Tennessee Chancery Reports (Cooper).....	3....	1872-1878

Chancery Appeals.

	Vols.	Date.
Tennessee Chancery Appeals Reports.....	2....	1901-1902

From 1886 the volumes of the Tennessee Reports are generally designated by number, beginning volume 85, 86, 87, etc., to date. Volume 125 Tennessee (17 Cates) was the last volume published on going to press. The volumes of the Tennessee Chancery Appeals Reports are designated by number, the last volume issued being volume 2.

The Southwestern Reporter commences with the cases in volume 85 Tennessee (October, 1886), and reports all subsequent cases.

TEXAS.

	Vols.	Date.
Dallam's Decisions.....	1....	1840-1844

The Texas Supreme Court Reports date from 1846, and from the beginning the volumes have been numbered consecutively. In 1876 the Texas Appeal Reports were established (reporting criminal cases only), the volumes being numbered consecutively. This series of reports continued to be published under the title Texas Court of Appeals Reports until 1892 (volume 30), when the name was changed to the Texas Criminal Appeals Reports, in order to distinguish the set from the Texas Civil Appeals Reports established the same year. There is an odd volume of the Texas Supreme Court Reports covering the cases decided during the Civil War. This volume is known as volume 25 Supplement Texas Supreme Court Reports. Volume 104 Texas, volume 63 Texas Criminal Appeals, and volume 57 Texas Civil Appeals were the last volumes published on going to press.

TEXAS—Continued.

The Texas Civil Appeals cases consist of 4 volumes (1876-1892). These reports are often cited as 1 Willson, and 2, 3, and 4 White & Willson. The Texas Unreported Cases consist of 2 volumes, and are sometimes cited as 1 and 2 Posey.

The Southwestern Reporter commences with the cases in volume 66 Texas Reports (March, 1886), and volume 21 Texas Appeals (March, 1886), and reports all subsequent cases, together with the decisions of the Courts of Criminal Appeals and Civil Appeals from the organization of these courts.

UTAH.

The Utah Reports date from 1871, all volumes being numbered consecutively. Volume 39 was the last volume published on going to press.

The Pacific Reporter commences with the cases in volume 3 Utah (January, 1881), and reports all subsequent cases.

VERMONT.

	Vols.	How Cited.	Date.
Chipman (N.).....	1....	N. Chip.	1789-1791
Chipman (D.).....	2....	D. Chip.	1789-1825
Tyler	2....	Tyl.	1800-1803
Brayton	1....	Brayt.	1815-1819
Aiken	2....	Aik.	1825-1827

From 1826-27 the volumes of the Vermont Reports are numbered consecutively, beginning volume 1, 2, 3, etc., to date. Volume 85 was the last volume published on going to press.

The Atlantic Reporter commences with the cases in volume 58 Vermont (November, 1885), and reports all subsequent cases.

VIRGINIA.

	Vols.	How Cited.	Date.
Jefferson	1....	Jeff.	1730-1772
Wythe's Chancery Reports.....	1....	Wythe	1790-1799
Washington	2....	Wash. (1-2 Va.).....	1790-1796
Virginia Criminal Cases.....	2....	Va. Cas. (3-4 Va.).....	1789-1826
Call	6....	Call (5-10 Va.).....	1797-1823
Hening & Munford.....	4....	Hen. & M. (11-14 Va.)...	1806-1810
Munford	6....	Munf. (15-20 Va.).....	1810-1820
Gilmer	1....	Gilmer (21 Va.).....	1820-1821
Randolph	6....	Rand. (22-27 Va.).....	1821-1828
Leigh	12....	Leigh (28-39 Va.)	1829-1842
Robinson	2....	Rob. (40-41 Va.).....	1842-1844
Grattan	33....	Grat. (42-74 Va.).....	1844-1880

Special Reports.

	Vols.	Date.
Patton, Jr., and Heath, Court of Appeals.....	2....	1855-1857
Howison, Criminal Trials.....	1....	1850-1851

STATE REPORTS—Continued.

VIRGINIA—Continued.

Up to 1912 the reports listed above were cited by the Reporter's name and volume number, but in June, 1912, the Supreme Court of Appeals adopted a rule requiring counsel to cite the Reports by consecutive volume number of the series as well; e. g., the report formerly cited as "1 Rand." should now be cited "1 Rand. (22 Va.)." In conformity with this rule, the double form of citation is now followed in the Virginia Reports and the National Reporter System.

From 1880 the volumes of the Virginia Reports are numbered consecutively, beginning volume 75, 76, 77, etc., to date. Volume 114 was the last volume published on going to press.

The Southeastern Reporter commences with the cases in volume 83 Virginia (January, 1887), and reports all subsequent cases. Volume 82 Virginia is partially covered by the Southeastern Reporter.

WASHINGTON.

The Washington Territory Reports date from 1854 and continue to 1889, there being three volumes.

The volumes of the Washington State Reports date from 1889, and are numbered consecutively, beginning volume 1, 2, 3, etc., to date. Volume 72 was the last volume published on going to press.

The Pacific Reporter commences with the cases in volume 2 Washington Territory (July, 1880), and reports all subsequent cases in this series, and all cases in the Washington State Reports from the beginning to date.

WEST VIRGINIA.

The West Virginia Reports date from 1863, all volumes being numbered consecutively. Volume 70 was the last volume published on going to press.

The Southeastern Reporter commences with the cases in volume 29 West Virginia (October, 1886), and reports all subsequent cases.

WISCONSIN.

	Vols.	How Cited.	Date.
Pinney	3....	Pin.	1839-1852

From 1852 the volumes of the Wisconsin Reports are numbered consecutively, beginning volume 1, 2, 3, etc., to date. Volume 153 was the last volume published on going to press.

The Northwestern Reporter commences with the cases in volume 46 Wisconsin (January, 1879), and reports all subsequent cases.

WYOMING.

The Wyoming Reports date from 1870, all volumes being numbered consecutively. Volume 19 was the last volume published on going to press.

The Pacific Reporter commences with the cases in volume 3 Wyoming (April, 1883), and reports all subsequent cases.

GENERAL REPORTS.

NATIONAL REPORTER SYSTEM.‡

	Vols.	How Cited.	Date.
Supreme Court Reporter	33....	Sup. Ct.	1882-1913
Federal Reporter	205....	Fed.	1880-1913
Atlantic Reporter	86....	Atl.	1885-1913
Northeastern Reporter	101....	N. E.	1885-1913
Northwestern Reporter	141....	N. W.	1879-1913
Pacific Reporter	133....	Pac.	1883-1913
Southeastern Reporter	77....	S. E.	1887-1913
Southern Reporter	62....	South.	1887-1913
Southwestern Reporter	158....	S. W.	1886-1913
New York Supplement	142....	N. Y. Supp.	1888-1913

SELECTED CASE REPORTS.††

	Vols.	How Cited.	Date.
American Decisions	100....	Am. Dec.	1769-1869
American Reports	60....	Am. Rep.	1870-1887
American State Reports.....	140....	Am. St. Rep.	1888-1911
American and English Annotated Cases*	28....	Ann. Cas.	1906-1911
American Annotated Cases*.....	7....	Ann. Cas.	1911-1913
Lawyers' Reports Annotated.....	70....	L. R. A.	1888-1905
Lawyers' Reports Annotated, New Series*	42....	L. R. A. (N. S.)	1906-1912

The American Annotated Cases began publication in 1911, and is cited by year and letter, as "Ann. Cas. 1912A," "Ann. Cas. 1912B," etc. This series is identical with the volumes of American and English Annotated Cases from 22 to date, 1912A American Annotated Cases being the same as 22 American and English Annotated Cases.

SPECIAL SUBJECT REPORTS.††

	Vols.	Date.
American Bankruptcy Reports*.....	30....	1899-1913
American Corporation Cases.....	10....	1868-1887
American and English Corporation Cases.....	48....	1883-1896
American and English Corporation Cases, New Series.....	19....	1896-1908
American Criminal Reports*.....	16....	1877-1910
American Railway Reports.....	21....	1872-1881
American Railroad and Corporation Reports	12....	1888-1896
American and English Railroad Cases.....	61....	1881-1896
American and English Railroad Cases, New Series*.....	68....	1896-1913

‡ The Reporters comprising the National Reporter System are continuing series; the latest volumes published up to about November, 1913, being indicated.

†† Reports marked with a star * are a continuing series; the latest volume published up to about November, 1913, being indicated.

SPECIAL SUBJECT REPORTS—Continued.††

	Vols.	Date.
American Negligence Cases	16	1789-1895
American Negligence Reports	21	1896-1910
Negligence and Compensation Cases*.....	3	1909-1912
American Electrical Cases.....	9	1812-1908
American and English Patent Cases.....	20	1662-1890
American Probate Reports	8	1877-1896
Probate Reports Annotated.....	14	1897-1911
Banking Cases Annotated.....	5	1900-1904
Morrison's Mining Reports.....	22	1883-1907
Water and Mineral Cases †.....	1	1909—
Municipal Corporation Cases.....	11	1887-1904
Street Railway Reports*.....	8	1903-1913
Insurance Law Journal*.....	41	1871-1913

†† Reports marked with a star * are a continuing series; the latest volume published up to about November, 1910, being indicated.

† Succeeds Morrison's Mining Reports.

CHAPTER 3.

REPORTER DIRECTORY,

SHOWING WHAT STATE AND FEDERAL REPORTS ARE COVERED BY EACH PART OF THE NATIONAL REPORTER SYSTEM.

In the first of the two tables which follow are listed the various Reporters which together constitute the National Reporter System. Opposite each Reporter is indicated the State Reports covered by it, and the date when the decisions of each state were first published in the Reporter.

Thus the Atlantic Reporter takes up the Connecticut Reports on May 4, 1885, reporting all subsequent cases. All cases reported in 53 Connecticut were decided later than that date, and accordingly they are also in the Atlantic Reporter.

In some states, however, one or more volumes of the State Reports overlap the period covered by the Reporter. This is the case in Georgia, for instance; the Southeastern Reporter takes up the Georgia cases on January 1, 1887. All cases in 79 Georgia and later volumes are reported in the Southeastern Reporter. Volumes 77 and 78 Georgia both contain a number of cases decided after January 1, 1887, and therefore are reported in the Southeastern Reporter, although the greater part of the cases in each volume are earlier than the date mentioned.

The second table contains exactly the same material as the first, but differently arranged.

Here the State Reports are listed alphabetically by states, followed by the name of the Reporter by which each is covered and the date when the Reporter takes up the State Reports.

(a) BY REPORTER.

REPORTER.	VOL. OF STATE REPORTS.	DATE.
Atlantic Reporter.	53 Conn.	May 4, 1885.
	6 Del. Ch.	} July 22, 1886.
	7 Houst. (Del.)	
	1 Marv. (Del.)	
	1 Penn. (Del.)	
	1 Boyce (Del.)	
	78 Me.	Aug. 6, 1885.
	64 Md.	June 23, 1885.
	64 N. H.	March 12, 1886.
	48 N. J. Law.	Nov., 1885.
	41 N. J. Eq.	Oct., 1885.
	110 Pa.	May 11, 1885.
	15 R. I.	April 4, 1885.
	58 Vt.	Nov. 23, 1885.
Northeastern Reporter.	114 Ill.	May 15, 1885.
	102 Ind.	March 11, 1885.
	1 Ind. App.	March 31, 1891.
	139 Mass.	Nov. 5, 1884.
	99 N. Y.	April 14, 1885.
	43 Ohio St.	Feb. 24, 1885.
Northwestern Reporter	1 Dak.	Dec. Term, 1867.
	51 Iowa.	Dec. 5, 1878.
	41 Mich.	June 11, 1879.
	26 Minn.	March 20, 1879.
	9 Neb.	Jan., 1879.
	1 Neb. Unoff.	Organiz'n of Com.
	1 N. Dak.	Jan. Term, 1890.
	1 S. Dak.	March 1, 1890.
	46 Wis.	Jan. 7, 1879.
Pacific Reporter.	1 Ariz.	Jan., 1866
	64 Cal.	July 2, 1883.
	1 Cal. App.	Organiz'n of Cts.
	2 Cal. Unrep.	Dec. 8, 1883.
	7 Colo.	Dec., 1883.
	1 Colo. App.	June 23, 1891.
	2 Idaho.	Sept., 1881.
	30 Kan.	May 3, 1883.
	1 Kan. App.	March 19, 1895.
	4 Mont.	Jan. 7, 1881.
	17 Nev.	Jan. Term, 1882.
	3 N. M.	March 21, 1883.
	1 Okl.	June 24, 1890.
	1 Okl. Cr. R.	Organiz'n of Cts.
	11 Or.	March, 1883.
	3 Utah.	Jan., 1881.
	1 Wash. St.	July, 1889.

(a) BY REPORTER—Cont'd.

REPORTER.	VOL. OF STATE REPORTS.	DATE.
Pacific Reporter—Cont'd.	2 Wash. T. 3 Wyo.	July, 1880. April 11, 1883.
Southeastern Reporter.	79 Ga. 1 Ga. App. 96 N. Car. 26 S. Car. 83 Va. 29 W. Va.	Jan. 1, 1887. Organiz'n of Ct. Jan. 1, 1887. April Term, 1886. Jan. 1, 1887. Oct. 30, 1886.
Southern Reporter.	81 Ala. 1 Ala. App. 23 Fla. 39 La. Ann. 64 Miss.	Dec. Term, 1886. Organiz'n of Ct. Jan. 1, 1887. Jan. 1, 1887. Oct., 1886.
Southwestern Reporter.	47 Ark. 1 Ind. T. 85 Ky. 8 Ky. Law Rep. 89 Mo. 94 Mo. App. 85 Tenn. 66 Tex. 21 Tex. App. 31 Tex. Cr. R. 1 Tex. Civ. App.	Nov. Term, 1885. Organiz'n of Cts. June 1, 1886. Aug. 2, 1886. April Term, 1886. April 28, 1902. Oct. 20, 1886. March 23, 1886. March 7, 1886. Organiz'n of Ct. Organiz'n of Cts.
Federal Reporter.	Commerce Court 1 C. C. A. 1 U. S. App. U. S. Cir. & Dist. Cts.	Organiz'n of Cts. March 1, 1880
Supreme Court Reporter.	106 U. S.	Oct. Term, 1882.
New York Supplement.	23 Abb. N. C. 1 App. Div. 16 Civ. Proc. 1 Con. Sur. 1 Gibbons, Sur. 1 Power, Sur. 1 Mills, Sur. 15 Daly. 49 Hun. 1 N. Y. Ann. Cas. 1 Misc. 7 N. Y. Cr. R. 56 N. Y. Super. Ct. 1 Silvernail.	May 1, 1888.

(b) BY STATE.

STATE OR TERRITORY.	REPORTER WHERE FOUND.	EVERY CASE IN STATE REPORTS SINCE
81 Alabama	South. Rep.....	Dec. Term, 1886.
1 Alabama App.	South. Rep.....	Organization of Court.
1 Arizona	Pac. Rep.	Jan., 1866.
47 Arkansas	S. W. Rep.....	Nov. Term, 1885.
64 California	Pac. Rep.	July 2, 1883.
1 California App.	Pac. Rep.	Organization of Courts.
2 California Unrep.	Pac. Rep.	Dec. 8, 1883.
7 Colorado	Pac. Rep.	Dec., 1883.
1 Colorado App.....	Pac. Rep.	June 23, 1891.
53 Connecticut	Atl. Rep.	May 4, 1885.
1 Dakota	N. W. Rep.....	Dec. Term, 1867.
6 Del. Ch.....	Atl. Rep.	July 22, 1886.
7 Houst. (Del.).....		
1 Marv. (Del.).....		
1 Penn. (Del.)		
1 Boyce (Del.)		
23 Florida	South. Rep.....	Jan. 1, 1887.
79 Georgia	S. E. Rep.....	Jan. 1, 1887.
1 Georgia App.....	S. E. Rep.....	Organization of Court.
2 Idaho	Pac. Rep.	Sept., 1881.
114 Illinois	N. E. Rep.....	May 15, 1885.
1 Indian T.....	S. W. Rep.....	Organization of Courts.
102 Indiana	N. E. Rep.....	March 11, 1885.
1 Indiana App.....	N. E. Rep.....	March 31, 1891.
51 Iowa	N. W. Rep.....	Dec. 5, 1878.
30 Kansas	Pac. Rep.	May 3, 1883.
1 Kansas App.....	Pac. Rep.	March 19, 1895.
85 Kentucky	S. W. Rep.....	June 1, 1886.
8 Ky. Law Reporter.....	S. W. Rep.....	Aug. 2, 1886.
39 Louisiana Ann.....	South. Rep.....	Jan. 1, 1887.
78 Maine	Atl. Rep.	Aug. 6, 1885.
64 Maryland	Atl. Rep.	June 23, 1885.
139 Massachusetts	N. E. Rep.....	Nov. 5, 1884.
41 Michigan	N. W. Rep.....	June 11, 1879.
26 Minnesota	N. W. Rep.....	March 20, 1879.
64 Mississippi	South. Rep.....	Oct., 1886.
89 Missouri	S. W. Rep.....	April Term, 1886.
94 Missouri App.....	S. W. Rep.....	April 28, 1902.
4 Montana	Pac. Rep.	Jan. 7, 1881.
9 Nebraska	N. W. Rep.....	Jan., 1879.
1 Nebraska Unoff.....	N. W. Rep.....	Organization of Com.
17 Nevada	Pac. Rep.	Jan. Term, 1882.
64 New Hampshire.....	Atl. Rep.	March 12, 1886.
48 New Jersey Law.....	Atl. Rep.	Nov., 1885.
41 New Jersey Eq.....	Atl. Rep.	Oct., 1885.
3 New Mexico.....	Pac. Rep.	March 21, 1883.

(b) BY STATE—Cont'd.

STATE OR TERRITORY.	REPORTER WHERE FOUND.	EVERY CASE IN STATE REPORTS SINCE
99 New York.....	N. E. Rep.....	April 14, 1885.
23 Abb. N. C.		
1 App. Div.		
16 Civil Proc.		
1 Con. Sur.		
1 Gibbons, Sur.		
1 Power, Sur.		
1 Mills, Sur.		
15 Daly.	N. Y. Supp.....	May 1, 1888.
49 Hun.		
1 N. Y. Ann. Cas.		
1 Misc.		
7 N. Y. Cr. R.		
56 N. Y. Super. Ct.		
1 Silvernail.		
96 North Carolina.....	S. E. Rep.....	Jan. 1, 1887.
1 North Dakota.....	N. W. Rep.....	Jan. Term., 1890.
43 Ohio St.....	N. E. Rep.....	Feb. 24, 1885.
1 Oklahoma	Pac. Rep.	June 24, 1890.
11 Oregon	Pac. Rep.	March, 1883.
110 Pennsylvania	Atl. Rep.	May 11, 1885.
15 Rhode Island.....	Atl. Rep.	April 4, 1885.
26 South Carolina.....	S. E. Rep.....	April Term, 1886.
1 South Dakota.....	N. W. Rep.....	March 1, 1890.
85 Tennessee	S. W. Rep.....	Oct. 20, 1886.
66 Texas	S. W. Rep.....	March 23, 1886.
21 Texas App.....	S. W. Rep.....	March 7, 1886.
31 Texas Cr. R.....	S. W. Rep.....	Organization of Court.
1 Texas Civ. App.....	S. W. Rep.....	Organization of Courts.
106 United States.....	Sup. Ct. Rep.....	Oct. Term, 1882.
1 C. C. A.....		
1 U. S. App.....	Fed. Rep.....	Organization of Courts
U. S. Cir. and Dist. Cts.....	Fed. Rep.....	March 1, 1880.
3 Utah	Pac. Rep.....	Jan., 1881.
58 Vermont	Atl. Rep.	Nov. 23, 1885.
83 Virginia	S. E. Rep.....	Jan. 1, 1887.
1 Washington St.....	Pac. Rep.....	July, 1889.
2 Washington T.....	Pac. Rep.	July, 1880.
29 West Virginia.....	S. E. Rep.....	Oct. 30, 1886.
46 Wisconsin	N. W. Rep.....	Jan. 7, 1879.
3 Wyoming	Pac. Rep.	April 11, 1883.

CHAPTER 4.

LIST OF ENGLISH REPORTS.

(a) TABLE OF ENGLISH REGNAL YEARS.

The regnal years of the various sovereigns are shown by the following table:

Sovereigns.	Commencement of Reign.	Length of Reign.
William I	October 14, 1066.....	21
William II	September 26, 1087.....	13
Henry I	August 5, 1100.....	36
Stephen	December 26, 1135.....	19
Henry II	December 19, 1154.....	35
Richard I	September 23, 1189.....	10
John	May 27, 1199.....	18
Henry III	October 28, 1216.....	57
Edward I	November 20, 1272.....	35
Edward II	July 8, 1307.....	20
Edward III	January 25, 1326.....	51
Richard II	June 22, 1377.....	23
Henry IV	September 30, 1399.....	14
Henry V	March 21, 1413.....	10
Henry VI	September 1, 1422.....	39
Edward IV	March 4, 1461.....	23
Edward V	April 9, 1483.....	—
Richard III	June 26, 1483.....	3
Henry VII	August 22, 1485.....	24
Henry VIII	April 22, 1509.....	38
Edward VI	January 28, 1547.....	7
Mary	July 6, 1553.....	6
Elizabeth	November 17, 1558.....	45
James I	March 24, 1603.....	23
Charles I	March 27, 1625.....	24
The Commonwealth	January 30, 1619.....	11
Charles II ¹	May 29, 1660.....	37
James II	February 6, 1685.....	4
William and Mary.....	February 13, 1689.....	14
Anne	March 8, 1702.....	13
George I	August 1, 1714.....	13
George II	June 11, 1727.....	34
George III	October 25, 1760.....	60
George IV	January 29, 1820.....	11
William IV	June 26, 1830.....	7
Victoria	June 20, 1837.....	64
Edward VII	January 22, 1901.....	9
George V	May 6, 1910.....	—

¹ Although Charles II did not ascend the throne until May 29, 1660, his regnal years are computed from the death of Charles I, January 30, 1649, so that the year of his restoration is styled the twelfth of his reign.

(b) ALPHABETICAL LIST OF ENGLISH REPORTS.

(SUPPLIED BY COURTESY OF THE MINNESOTA STATE LIBRARY.)

How Designated.	Abbreviation.	Reporter.	Vol.	Court.	Period Covered.
Acton	Act.	Acton, T. H.	2	Privy Council	1809-11
Addams' Ecclesiastical Reports.	Add. Ecc.	Addams, J.	3	Ecclesiastical	1822-26
Adolphus & Ellis.	A. & E.	Adolphus, J. L. & Ellis, T. F.	12	K's and Q.'s Bench. See Queen's Bench. See Reilly.	1834-41
Adolphus & Ellis, N. S.					
Albert Arbitration.					
Aleyn	Aleyn	Aleyn, J., Fol.	1	King's Bench	1646-49
Ambler	Ambler	Ambler, C.	2	Chancery	1737-83
Anderson	Anderson	Anderson, E., Fol.	2 in 1	Common Bench	1534-1604
Andrews	Andrews	Andrews, G.	1	King's Bench	1737-38
Anglo-Norman Law Cases.				See Placita Anglo-Normanica.	
Annaly's Hardwicke				See Hardwicke.	
Anstruther	Anst.	Anstruther, A.	3	Exchequer	1792-96
Archbold's Poor Law Cases.	Arch. P. L. Cas.	Archbold, J. F.	1	_____	1842-58
Architects' Law Reports.			4		1904-08
Arnold	Arnold	Arnold, T. J.	2 in 1	Common Pleas	1838-39
Arnold & Hodges.	A. & H.	Arnold & Hodges.	1	Queen's Bench	1840-41
Aspinall's Maritime Cases†.	Asp. Cas.	Aspinall, J. P. & B.	11	Admiralty	1870-1911
Atkins	Atkins	Atkins, J. T.	3	Chancery	1736-55
Bail Court Cases	B. C. Cas.	Lowndes & Maxwell.	1	Bail Court	1852-54
Bankruptcy and Insolvency Reports.	Bank. & Insolv. Rep.	Dasent, J. B.	2	Bankruptcy	1853-55
Barnardiston	Barn.	Barnardiston	2	King's Bench	1726-35
Barnardiston's Chancery.	Barn. Ch.	Barnardiston, T.	1	Chancery	1740-41
Barnes' Notes of Cases on Practice.	Barn. No.	Barnes, H.	1	Common Pleas.	1732-60
Barnewall & Adolphus.	B. & A.	Barnewall, R. V. & Adolphus, J. L.	5	King's Bench	1830-34
Barnewall & Alderson.	Barn. & Ald.	Barnewall, R. V. & Alderson, E. H.	5	King's Bench	1817-22

† Reports marked thus † are a continuing series.

Barnewall & Cresswell.....	B. & C.....	Barnewall, R. V., & Cresswell, C.....	10	King's Bench.....	1822-30
Barron & Arnold's Election Cases.....	Bar. & Arn.....	Barron, A. & Arnold, T. J.....	1	Election Cases.....	1843-46
Barron & Austin's Election Cases.....	Bar. & Aust.....	Barron, A. & Austin, A.....	1	Election Cases.....	1842
Beavan	Beavan	Beavan, C.....	36	Rolls Court, Ch.....	1838-66
Beavan & Walford's Railway Cases.....	Beav. & Wal. Ry. Cas.....	Beavan, E. & Walford, F.....	1	Parliamentary Railway Cases.....	1846
Bell's Crown Cases	Bell's C. C.....	Bell, T.....	1	————, ...	1858-60
Bellewe's Cases temp. Richard II.....	Bell. Cas. t. R. II.....	Bellewe, R.....	1	King's Bench	1378-1400
Belt's Supplement	Bend. New.....	Bendloe, G.....	1	See Vesey, Senior.	
Bendloe (New).....	Benl. & Dal. ("Old Bendloe")	Benloe, G.-Dalison, G.....	1	K. B., C. P. & Ex.....	1531-1628
Benloe & Dalison.....	Best & Smith.....	Best, W. M., & Smith, G. J. P.....	10	C. P.	1486-1580
Best & Smith	Bing.....	Bingham, P.....	10	2 B.	1861-70
Bigelow, M. M.....	Bingham's New Cases.....	Bingham, P.....	10	See Placita Anglo-Normanica.	
Bingham	Bitt. Pr. Cas.....	Bittleston, A. H.....	6	C. P.	1822-34
Bingham's New Cases.....	Bitt. Rep. in Chambers.....	Bittleston, A. H.....	1	C. P.	1834-40
Bittleston's Practice Cases.....	Bl. H.....	Blackstone, H.....	2	————, ...	1873-75
Bittleston, Reports in Chambers.....	Bl. Wm.....	Blackstone, W.....	2	B.....	1883-84
Henry Blackstone	Bli.	Bligh, R.....	3	C. P.	1788-96
Wm. Blackstone	Bli. N. R.....	Bligh, R.....	11	K. B., C. P. & Ch.....	1746-79
Bligh	Bos. & P.....	Bosanquet, J. B., & Puller, C.....	3	H. of L.....	1819-21
Bligh's New Reports.....	B. & P. N. R.....	Bosanquet, J. B., & Puller, C.....	2	H. of L.....	1827-37
Bosanquet & Puller.....	B. & P. N. R.....	Bosanquet, J. B., & Puller, C.....	2	C. P.	1796-1804
Bosanquet & Puller, New Reports.....	B. P. I. Cases.....	Bott, E.....	3	C. P.	1804-07
Bott's Poor Law Cases.....	Bourke P. P. Dec. of Spkr. Lefevre	Bourke, R.....	1	————, ...	1761-1807
Bourke's Parliamentary Precedents.....				————, ...	1839-57

(b) ALPHABETICAL LIST OF ENGLISH REPORTS—Cont'd.

How Designated.	Abbreviation.	Reporter.	Vol.	Court.	Period Covered.
Bridgeman, Sir J.....	Bridg. J.....	Bridgeman, J.....	1	C. P.....	1613-21
Bridgeman's Common Pleas.....	Bridg. O.....	Bridgeman, O.....	1	C. P.....	1660-1667
Broderip & Bingham.....	Brod. & Bing.....	Broderip, W. J. & Bingham, P.....	3	C. P.....	1819-22
Brodrick & Freemantle's Ecclesiastical Judgments	B. & F.....	Brodrick, G., & Free- mantle, W. H.....	1	Ecclesiastical	1695-1864
Brooke's New Cases.....	Br. N. C.	Brooke, R.	1	K. B.	1515-58
Brooke's Six Judgments.....	(Ecc. Cases)	.....	1	.....	1850-72
Brown's Cases in Parliament.....	B. P. C.....	Brown, J.....	8	H. of L.....	1702-1800
Brown's Chancery.....	Bro. Ch.....	Brown, W.....	4	Chancery	1778-94
Browne, MacNamara & Neville.....	.....	.....	.....	See Railway and Canal Cases. Adm.	1863-65
Browning & Lushington.....	B. & L.....	Browning, E., & Lush- ington, V.....	1	C. P.....	1569-1625
Brownlow	Brownl.	Brownlow, R.....	.....	Bound with Brownl. & Gold.	1651
Brownlow & Goldsboro .....	.....	.....	1	.....	1816-20
Buck's Bankruptcy Cases.....	Buck	Buck, J. W.....	1	Bankruptcy in Chancery.....	1609-39
Bulstrode (folio).....	Bulst.	Bulstrode, E.....	1	K. B.	1713-42
Bunbury	Bunb.	Bunbury, W.....	1	Ex.	1756-72
Burrow	Burr.	Burrow, J.....	5	K. B.	1732-76
Burrow's Settlement Cases.....	Burr. S. C.....	Burrow	1	K. B. ....	.....
Butterworth's Workmen's Compensa- tion Cases .....	.....	.....	5	.....	1909-12
Cababé & Ellis	Cab. & E.	Cababé, M., & Ellis, C. G.	1	B. D.	1882-85
Cairns' Decisions in the Albert Arbitra- tion	Cairns' Dec.....	Reilly, F. S.....	1	Chancery	1871-72
Caldecott's Magistrates' Cases.....	Calcl. Mag. Cas.....	Caldecott, T.....	1	.....	1776-85
Calthrop	Calth.	Calthrop, H.....	1	K. B.	1609-18

Campbell	Camp, N. P.....	Campbell, J.....	4	Nisi Prius	1807-16
Carrington & Kirwan.....	Car. & K.....	Carrington, F. A., & Kirwan, A. V.....	3	Nisi Prius	1843-52
Carrington & Marshman.....	Car. & Marsh.....	Carrington, F. A., & Marshman, J. R.....	1	Nisi Prius	1841-43
Carrington & Payne.....	Car. & P.....	Carrington, F. A., & Payne, J.....	9	Nisi Prius	1823-41
Carrow, Hamerton & Allen.....				See New Sessions Cases.	
Carter	Carter	Carter, S.....	1	C. P.	1664-76
Carthew	Carth.	Carthew, T.....	1	K. B.	1686-1701
Cartmell's Trade-Mark Cases.....			1	.....	1876-93
Cary	Cary	Cary, G.....	1	Chancery	1557-1604
Cases and Opinions			2	.....	1791
Cases in Chancery.....	Cases in C.....	———, 3 parts.....	1	Chancery	1660-88
Cases of Practice.....	Cas. Pr.....	———, ...	1	K. B. Pr.....	1558-1775
Cases of Settlement.....	Cas. Settl.....	———, ...	1	K. B.	1710-27
Cases Taken & Adjudged in Chancery.....				See Part II. of Reports in Chancery.	
Cases temp.	Holt.			See Holt.	
Cases temp.	Tallot, Cas. t. Tal.....	———, ...	1	Chancery	1734-38
Chalmers' Colonial Opinions			1	.....	1858
Chancery Cases				See Cases in Chancery.	
Chancery Reports				See Reports in Chancery.	
Charley's Practice Cases.....				See New Practice Cases.	
Chitty	Chit.	Chitty, J.....	2	K. B. Pr.....	1780-1822
Choyce Cases in Chancery.....	Ch. Cas. Ch.....	———, ...	1	Chancery	1557-1606
Clark & Finnelly	C. & F.....	Clark, C. D., & Finnel- ly, W.....	13	H. of L.....	1831-46
Clayton	Clay.	Clayton, J.....	1	Assizes	1631-51
Clifford's Election Cases.....	Clif. El. Cas.....	Clifford, H.....	1	Election	1797
Cockburn & Rowe's Election Cases.....	C. & R.....	Cockburn, A. E., & Rowe, W. C.....	1	Election	1833
Coke	Coke	Coke, E., 13 parts.....	6	K. B., C. P. & Ex.....	1572-1618
Colles	Colles	Colles, R.....	1	H. of L.....	1697-1713

(b) ALPHABETICAL LIST OF ENGLISH REPORTS—Cont'd.

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Collyer's Chancery Cases	Colly.	Collyer, J.	2	Chancery	1844-46
Coltman's Registration Cases	Colt.	Coltman, F. J.	1	_____	1879-85
Comberbach	Comb.	Comberbach, R.	1	K. B.	1685-99
Commercial Cases			18		1895-1913
Common Bench	C. B. (1-8).	Manning, J., Granger, T. C. & Scott, J.	8	C. P.	1845-49
Common Bench	C. B. (9).	Manning, J., & Scott, J.	1	C. P.	1850
Common Bench	C. B. (10-18).	Scott, J.	9	C. P.	1850-56
Common Bench	General Index.	Scott, J.	1	_____	1845-56
Common Bench, N. S.	C. B. N. S.	Scott, J.	20	C. P.	1856-65
Common Law Reports	C. L. R.	_____	3	All Courts	1853-55
Comyns	Comyns	Comyns, J.	1	K. B., C. P. & Ex.	1695-1741
Conroy's Custodian Cases			1		1795
Cooke	Cooke	Cooke, G.	1	C. P.	1706-47
Cooper's Chancery Cases, temp. Cotton- ham	Coop. t. Cott.	Cooper, C. P.	2	Chancery	1846-48
Cooper's Chancery Practice Cases	Coop. Ch. Pr.	Cooper, C. P.	1	Chancery	1837-38
Cooper's Reports, temp. Brougham	Coop. t. Br.	Cooper, C. P.	1	Chancery	1833-34
Cooper's Reports	Coop. or Coop. t. Eld.	Cooper, G.	1	Chancery	1815
Corbett & Daniell's Election Cases	Corb. & Dan.	Corbett, U., & Daniell, E. R.	1	_____	1819
Cowper	Cowp.	Cowper, H.	1	K. B.	1774-78
Cox	Cox	Cox, S.	2	Chancery	1783-96
Cox's Criminal Cases	Cox, Cr. Cas. (1-13).	Cox, E. W.	13	All Courts	1843-77
Cox's Criminal Cases	Cox, Cr. Cas. (14).	Cox, E. W., & Thompson, J.	1	_____	1877-82
Cox's Criminal Cases	Cox, Cr. Cas. (15).	Thompson, J., & Glen, R. C.	1	_____	1882-86
Cox's Criminal Cases	Cox, Cr. Cas. (16-20).	Glen, R. C.	5	_____	1886-1906
Cox's Criminal Cases	Cox, Cr. Cas. (21).	Crump, Basil.	1	_____	1907-1909

Cox's Criminal Cases†	Cox, Cr. Cas. (22).	Herbert, W. De Bracy	1	1909-1912
Cox's Joint-Stock Company Cases			4	1864-71
Cox's Magistrates' Cases†	Cox, M. C.	Cox, E. W.	24	1859-1911
Cox & Atkinson's Registration Cases			1	1843-46
Craig & Phillips	Cr. and Ph.	Craig, R. D., & Phillips, T. J.	1	1840-41
Criminal Appeals Reports			8	1908-13
Cripp's Church & Clergy Cases	Cripp's Ch. Cas.	Cripp, H. W.	1	1846-50
Croke	Cro.	Croke, G., 3 parts.	4	1528-1641
Cro. Eliz., Vols. 1 & 2; Cro. Jac., Vol. 3, and Cro. Car., Vol. 4				
Crompton & Jervis	C. & J.	Crompton, C., & Jervis, J.	2	1830-32
Crompton & Meeson	Cr. & M.	Crompton, C., & Meeson, R.	2	1832-34
Crompton, Meeson & Roscoe	C. M. & R.	Crompton, C., Meeson, R., & Roscoe, H.	2	1834-35
Cunningham	Cun.	Cunningham, T.	1	1734-36
Curteis' Ecclesiastical Reports	Curteis		3	1834-44
Dale's Legal Ritual	Dale, Leg. Rit.	Dale, J. M.	1	1868-71
Dalison	Dal.	Dalison, G.	1	1546-74
Daniell's Equity Exchequer	Dan.	Daniell, E. R.	1	1817-20
Danson & Lloyd	Dan. & Ll.	Danson, F. M., & Lloyd, J. H.	1	1828-29
Davies' Patent Cases	Dav. Pat. Cas.	Davies, J.	1	1785-1816
Davison & Merivale	D. & M.	Davison, H., & Merivale, H.	1	1843-44
Dawham Workmen's Compensation Appeals			1	1910-12
Deacon's Bankruptcy	Deac.	Deacon, E. E.	4	1835-40
Deacon & Chitty (Bankruptcy)	Deac. & C.	Deacon, E. E., & Chitty, E.	4	1832-35

† Reports marked thus † are a continuing series.

(b) ALPHABETICAL LIST OF ENGLISH REPORTS—Cont'd.

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Deane & Swabey.....	Dea. & Sw.....	Deane, J. P., & Swabey, M. C. M.....	1	Ecc.....	1855-57
Dearsley's Crown Cases.....	Dears. C. C.....	Dearsley, H. R.....	1	Q. B.....	1852-56
Dearsley & Bell's Crown Cases.....	D. & B.....	Dearsley, H. R., & Bell, T.....	1	Q. B.....	1856-58
De Colyn's County Court Cases.....	.....	.....	1	.....	1883
DeGex's Bankruptcy Cases.....	DeGex.....	DeGex, J. P.....	2	.....	1844-50
DeGex & Jones.....	DeG. & J.....	DeGex, J. P. & Jones, H. C.....	4	Chancery.....	1857-59
DeGex & Smale.....	DeG. & Sm.....	DeGex, J. P., & Smale, J.....	5	Chancery.....	1846-52
DeGex, Fisher & Jones.....	DeG., F. & J.....	DeGex, J. P., Fisher, F., & Jones, H. C....	4	Chancery.....	1859-62
DeGex, Jones & Smith.....	DeG., J. & S.....	DeGex, J. P., Jones, H., C., & Smith, R. H....	4	Chancery.....	1862-65
DeGex, Macnaghten & Gordon.....	DeG., M. & G.....	DeGex, J. P., Mac- naghten, S., & Gor- don, A.....	8	Chancery.....	1851-57
Delane's Election Decisions.....	.....	.....	1	.....	1836
Denison's Crown Cases.....	Den. C. C.....	Denison, S. C.....	1	.....	1844-50
Denison & Pearce's Crown Cases.....	Den. & P.....	Denison, S. C. & Pearce, R. R.....	1	.....	1850-52
Dickens.....	Dick.....	Dickens, J.....	2	Chancery.....	1859-1789
Diprose's Cases on Friendly Societies.....	.....	.....	1	.....	1897
Dodson's (Jno.) Admiralty Cases.....	.....	.....	2	.....	1815-22
Donnelly's Minutes of Cases.....	Donn.....	Donnelly, R.....	1	Chancery.....	1836-37
Douglas's Election Cases.....	Doug. El. Cas.....	Douglas, S.....	4 in 2	.....	1775
Douglas.....	Doug.....	Douglas, S.....	4	K. B.....	1778-85
Dow.....	Dow.....	Dow, P.....	6	H. of L.....	1812-18
Dow & Clark.....	D. & C.....	Dow, P., & Clark, C....	2	H. of L.....	1827-32

Dowling (Practice Cases).....	Dow. Pr. C.....	Dowling, A. S.....	9	_____	1830-41
Dowling, N. S. (Practice Cases).....	Dowl. N. S.....	Dowling, A., & Dowling, V.....	2	_____	1841-43
Dowling & Lowndes (Practice Cases).....	D. & L.....	Dowling, A., & Lowndes, J. J.....	7	_____	1843-49
Dowling & Ryland.....	D. & R.....	Dowling, J., & Ryland, A.....	9	K. B.....	1822-27
Dowling & Ryland's Magistrate Reports.....	D. & R. M. C.....	Dowling, J., & Ryland, A.....	4	K. B.....	1822-27
Dowling & Ryland's Nisi Prius.....	D. & R. N. P.....	Dowling, J., & Ryland, A.....	1	K. B.....	1822-23
Drewry's Chancery.....	Drew.....	Drewry, C. S.....	4	Chancery.....	1852-59
Drewry & Smale's Chancery.....	Dr. & Sm.....	Drewry, C. S., & Smale, J. J.....	2	Chancery.....	1859-65
Drinkwater.....	Drink.....	Drinkwater, W. L.....	1	C. P.....	1840-41
Duncan's Mercantile Cases.....	Dunn.....	Dunning, J.....	2	_____	1885-86
Dunning.....	Dunn.....	Dunning, J.....	1	K. B.....	1753-54
Durnford & East.....	D. & E.....	Durnford, C., & East, E. H.....	8	K. B.....	1785. 1800
Dyer.....	Dyer.....	Dyer, J.....	3	K. B., C. P., Ex. & Ch.....	1513-82
Eagle & Young's Ecclesiastical Cases.....	East.....	East, E. H.....	4	_____	1826
East.....	East.....	East, E. H.....	16	K. B.....	1800-12
Eden.....	Eden.....	Eden, R. H.....	2	Chancery.....	1757-66
Edwards' Admiralty Reports.....	El. & Bl.....	Ellis, T. F., & Blackburn, C.....	1	_____	1812
Ellis & Blackburn.....	El. & Bl.....	Ellis, T. F., & Blackburn, C.....	8	Q. B.....	1852-58
Ellis, Blackburn & Ellis.....	El., Bl. & El.....	Ellis, T. F., Blackburn, C., & Ellis, F.....	1	Q. B.....	1858
Ellis & Ellis.....	El. & El.....	Ellis, T. F., & Ellis, F.....	3	Q. B.....	1858-61
English Railway and Canal Cases.....	Eng. R. & C. C. (1-2).....	Nicholl, H. J., Hare, T., & Carrow, J. M.....	2	_____	1835-42
English Railway and Canal Cases.....	Eng. R. & C. C. (3).....	Carrow, J. M., & Oliver, L.....	1	_____	1842-46

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English Railway and Canal Cases.....	Eng. R. & C. Cas. (5-7)	Oliver, L., Beavan, E., & Lefroy, T. E. P...	3	—	1846-54
English Ruling Cases .....	.....	.....	27	.....	.....
Equity Cases, Abridged	Eq. Cas. Abr.	.....	2	Chancery .....	.....
Equity Reports	Eq. Rep.	French, G.....	3	Chancery	1853-55
Espinasse	Esp.	Espinasse, J.....	6 in 3	K. B. & C. P., Nisi Prius.....	1793-1807
Exchequer Reports	Exch. (1-9)	Welsby, W. N., Hurlstone, E. T., & Gordon, J.....	9	Ex.	1847-54
Exchequer Reports	Exch. (10-11)	Hurlstone, E. T., & Gordon, J.....	2	Ex.	1854-56
Falconer & Fitzherbert's Election Cases..	F. & Fitz.	Falconer, T., & Fitzherbert, E. H.....	1	.....	1836-39
Fawcett's Referee's Decisions .....	.....	.....	1	.....	1865
Finch	Finch	.....	1	Chancery	1673-81
Finch's Precedents in Chancery	Finch, Prec.	Finch, T.....	1	Chancery	1689-1723
First Book of Judgments.....	.....	.....	1	.....	1655
Fitzgibbons	Fitzg.	Fitzgibbons, J.....	1	K. B.....	1728-33
Fonblanque's Bankruptcy Reports.....	Fonbl.	Fonblanque, J. W. M..	1	.....	1849-51
Forrest	For.	Forrest, R.....	1	Ex.	1800-01
Forsyth's Cases on Constitutional Law .....	.....	.....	1	.....	1869
Fortescue	Fort.	Fortescue, J.....	1	K. B., C. P., Ex. & Ch.....	1695-1738
Foster (Crown Cases).....	Fost.	Foster, M.....	1	K. B., C. C.....	1743-61
Foster & Finlason.....	F. & F.	Foster, T. C., & Finlason, W. F.....	4	Nisi Prius.....	1856-67
Fox & Smith's Registration Cases.....	F. & S. Reg. Cas.	Fox, J. S., & Smith, C. L., ...	1	.....	1886-95

Fraser's Election Cases.....	Fraser, S.....	2	.....	1776-77
Freeman's Chancery	Freeman, R.....	1	Chancery	1660-1706
Freeman's King's Bench & Common Pleas	Freeman, R.....	1	K. B. & C. P.....	1670-1704
Gale	Gale, C. J.....	2	Ex.	1841-43
Gale & Davison	Gale, C. J., & Davidson, H.	3	Q. B.	1841-43
Giffard	Giffard, J. W., & DeL.	5	Chancery	1857-65
Gilbert's Cases	Gilbert, J.....	1	K. B.	1713-15
Gilbert	Gilbert, J., Fol.....	1	Ch. & Ex.....	1705-26
Glanville's Election Cases.....	Glanville, J.....	1	.....	1623-24
Glyn & Jameson's Cases in Bankruptcy..	Glyn, T. C., & Jameson, R. S.....	2	Chancery	1821-28
Godbolt	Godbolt, J.....	1	K. B., C. P., Ex. & Ch.....	1575-1638
Goodeve's Patent Cases.....	Godbolt, J.....	2	.....	1884-87
Gouldsborough	Gouldsborough, J.....	1	Q. B., C. P., Ex. & Ch.....	1586-1602
Gow	Gow, N.....	1	C. P. Nisi Prius	1818-20
Gwillim's Tithe Cases.....	Gow, N.....	4	.....	1801
Haggard's Admiralty Cases.....	Gow, N.....	3	.....	1822-38
Haggard's Consistorial Cases.....	Haggard, J.....	2	.....	1822
Haggard's Ecc. Reports.....	Haggard, J.....	4	Ecc.	1829-1832
Hale's Criminal Precedents.....	Hale, W. H.....	1	Ecc.	1475-1640
Hall & Twell's.....	Hall, F. J., & Twell, P.	2	Chancery	1848-50
Hardres	Hardres, T.....	1	Ex.	1655-69
Hardwicke	Annaly, Fol.....	1	K. B.....	1733-37
Hardwicke by Ridgeway.....	Annaly, Fol.....	1	See Ridgeway.	
Hare	Hare, T.....	11	Chancery	1841-53
Harrison & Rutherford's Common Pleas Cases	Hare, T.....	1	.....	1868
Harrison & Wollaston	Harrison, S. B., & Wollaston, F. L.....	2	K. B. & Bail Court.....	1835-36
Hatsell's Parliamentary Cases	Wollaston, F. L.....	4		1776-96

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Hay & Marriott's Admiralty Decisions.....		Hemming, G. W., & Miller, A. E.....	1		1801
Hemming & Miller	Hem. & Mill.		2	Chancery	1862-65
Hetley	Het.	Hetley, T., Fol.....	1	C. P.....	1627-32
History of Procedure in England 1066-1204, Appendix to.....*		Bigelow, M. M.....			1066-1204
Hobart	Hob.	Hobart, H.....	1	K. B., 8 others.....	1600-25
Hodges	Hodg.	Hodges, W.....	3	C. P.....	1835-37
Holt	Holt	_____, Fol.....	1	K. B., C. P., Ex. & Ch.....	1688-1711
Holt's Equity	Holt, Eq.	Holt, W.....	2	Chancery	1845
Holt's Nisi Prius.....	Holt, N. P.	Holt, F. L.....	1	C. P. Nisi Prius.....	1815-17
Holt's Rule of the Road.....	Holt's Adm. Ca.....	Holt, W.....	1	Admiralty	1862-67
Hopwood & Coltman's Registration Cases	Hopw. & Colt.	Hopwood, C. H. D., & Coltman, F. J.....	2	C. P.....	1868-78
Hopwood & Philbrick's Registration Cases	H. & P.	Hopwood, C. H., & Philbrick, F. A.....	1	C. P.....	1863-67
Horn & Hurlstone.....	Horn & H.	Horn, H., & Hurlstone, E. T., 2 in.....	1	Ex.	1838-39
Horwood				See Year Books.	
House of Lords' Cases.....	H. L. Cas. (1-2).....	Clark, C., & Finnelly, W.....	2	H. of L.....	1847-50
House of Lords' Cases.....	H. of L. Cas. (s-11).....	Clark, C.....	9	H. of L.....	1850-66
Hughs' Case on Extent.....			1	.....	1811
Hurlstone & Coltman	H. & C.	Hurlston, E. T., & Coltman, F. J.....	4	Ex.	1862-66

* The appendix contains a collection of reports of cases from 1066-1204.

Hurlstone & Gordon.				See Exchequer Reports.	
Hurlstone & Norman.	H. & N.	Hurlstone, E. T., & Norman, J. P.	7	Ex.	1856-62
Hurlstone & Walmsley.	Hurl. & Walms.	Hurlstone, E. T., & Walmsley		Ex.	1810-41
Hutton	Hut.	Hutton, R., Fol.	1	C. P.	1612-39
Hutton's Court of Requests			1		1787
Jacob	Jac.	Jacob, E.	1	Chancery	1821-22
Jacob & Walker.	J. & W.	Jacob, E., & Walker, J.	2	Chancery	1819-21
James' Cases on Court-Martial.			1		1820
Jenkins	Jenk.	Jenkins, D., Fol.	1	Ex. & K. B.	1420-1623
Johnson	Johns., V. C.	Johnson, H. R. V.	1	Chancery, Vice Ch.	1858-60
Johnson & Hemming.	J. & H.	Johnson, H. R. V., & Hemming, G. W.	2	Chancery	1859-62
Jones	Jones, 2.	Jones, T., Fol.	1	K. B. & C. P.	1667-85
Jones	Jones, 1.	Jones, W., Fol.	1	K. B. & C. P.	1620-41
Jurist, The.	Jur.	—————, Jur.	31	All Courts.	1837-54
Jurist, The, New Series.	Jur. N. S.	—————, Jur.	24	All Courts.	1855-66
Kay	Kay	Kay, E. E.	1	Chancery	1853-54
Kay & Johnson.	K. & J.	Kay, E. E., & Johnson, H. R. V.	4	Chancery	1854-58
Keane & Grant.	K. & G.	Keane, D. D., & Grant, J.	1	C. P., Registration C.	1854-62
Keble	Keb.	Keble, J., Fol.	3	K. B.	1661-79
Keen	Keen	Keen, B.	2	Chancery	1836-38
Keilway	Keil.	Keilway, R. (edited by Croke, J.) Fol.	1	K. B. & C. P.	1491-1531
Kelyng's Crown Cases.	Kel, 1.	Kelyng, J. (2 editions) 1 A. Fol.	1	K. B. Crown Cases.	1662-69
Kelynge's Reports in Chancery & King's Bench	Kel, 2.	Kelynge, W.	1	K. B. & Chancery.	1753-60
Kenyon's Notes of Cases.	Ken.	Kenyon, L.	2	K. B.	1753-59
Kenyon's Notes in Chancery			1	(Bound with Kenyon's Notes of Cas. K. B.)	1753-54

(b) ALPHABETICAL LIST OF ENGLISH REPORTS—Cont'd.

How Designated.	Abbreviation.	Reporter.	Vol.	Court.	Period Covered.
Kings Cases, temp.				See Select Cases, tempore King.	
Knapp	Kn.	Knapp, J. W.	3	Privy Council.	1829-36
Knapp & Ombler's Election Cases.	K. & O.	Knapp, J. W., & Ombler, E.	1	—, —, —	1834
Knight's Local Government Reports.			6	—, —, —	1903-04
Lane	Lane	Lane, R., Fol.	1	Ex.	1605-12
Latch	Latch	Latch, J., Fol.	1	Ex.	1625-28
Latch's K. B. Cases			1	—, —, —	1793
Law Cases, Win.	1 Rich. I.			See Placita Anglo-Normannica, & History of Procedure in England.	
Law Journal.	L. J.		9	All Courts.	1823-31
Law Journal, New Series†.	L. J. N. S.		188	All Courts.	1832-1913
Law Journal, Digest.			14	—, —, —	1822-1905
Law Journal, Notes of Cases.	L. J. N. C.		26	All Courts	1866-91
Law Reporter			2	—, —, —	1821-22
Law Reports, Admiralty & Ecc. Cases.	L. R. A.		4	Adm. & Ecc.	1865-75
Law Reports, Appeal Cases†.	L. R. App. Cas.		38	H. of L. Judicial Com. & Priv. Coun.	1875-1912
Law Reports, Chancery Appeal Cases.	L. R. Ch.		10	Chancery	1865-75
Law Reports, Chancery Division†.	L. R. Ch. D.		93	Chancery	1875-1912
Law Reports, Common Pleas Cases.	L. R. C. P.		10	C. P. ¹	1865-75
Law Reports, Common Pleas Division.	L. R. C. P. D.		5	C. P. ²	1875-80
Law Reports, Crown Cases Reversed.	L. R. C. C.		2	Crown Cas. Ct. ³	1865-75
Law Reports, English & Irish Appeal Cases	L. R. H. L.		7	H. of L. ⁴	1865-75

† Reports marked thus † are a continuing series.

¹ Continued after 1875 in Probate Division.

² Continued after 1880 in Queen's Bench Division, beginning Vol. 6.

³ Continued after 1875 in Queen's Bench Division.

⁴ Continued after 1875 in Appeal Cases.

Law Reports, Equity Cases.....	L. R. Eq.....	20	Chancery ⁵	1865-75
Law Reports, Exchequer Cases.....	L. R. Ex.....	10	Ex. ¹	1865-75
Law Reports, Exchequer Division.....	L. R. Ex. D.....	5	Ex. ²	1875-80
Law Reports, Indian Appeals and Indian Appeal Cases†.....		38	Priv. Coun.....	1872-1911
Law Reports, Privy Council Appeal Cases.....	L. R. P. C.....	6	Priv. Coun.....	1865-75
Law Reports, Probate & Divorce.....	L. R. & D.....	3	Prob. & Div.....	1865-75
Law Reports, Probate Division†.....	L. R. P. D.....	37	Prob. Div. & Ecc.....	1875-1912
Law Reports, Queen's Bench Cases.....	L. R. Q. B.....	10	Q. B.	1865-75
Law Reports, Queen's Bench Division.....	L. R. Q. B. D.....	60	Q. B., C. P., Ex. Cr. Cas.....	1875-1912
Law Reports, King's Bench Division†.....	L. R. K. B. D.....	25	K. B., Ct. App., Cr. Cas.....	1901-1912
Law Reports, Scotch & Divorce Appeal Cases.....	L. R. H. L. Sc.....	2	H. of L.....	1866-75
Law Times Reports.....	L. T. R.....	34	All Courts.....	1843-59
Law Times Reports, New Series†.....	L. T. R. N. S.....	106	All Courts.....	1859-1912
Leach's Crown Cases.....	Leach, T.....	2	K. B. Cr. Cas.....	1730-1814
Lee's Ecclesiastical Cases.....		2	.....	1833
Leigh & Cave's Cr. Cas.....	L. & C. C. C.....	1	Crown Cas.....	1861-65
Leonard.....	Leonard, W., 4 parts in 2 Fol.....	3	K. B., C. P. & Ex.....	1540-1615
Levinz.....	Levinz, C.....	2	K. B. & C. P.....	1660-97
Lewin's Crown Cases.....	Lewin, G. A.,.....	1	Crown Cas.....	1822-38
Ley.....	Ley, J.....	1	K. B., C. P., Ex. Court of Wards, & Star Chamber.....	1608-29
Lilly.....	Lilly, J.....	1	Fol. Assizes.....	.....
Littleton.....	Littleton, E.....	1	Fol. C. P. & Ex.....	1626-32
Lloyd & Welsby (Mercantile Cases).....	L. & W.....	1	, ...	1829-30
Lofft.....	Lofft, C. (2 Eds. 1A Fol).....	1	K. B., C. P. & Ch.....	1772-74

† Reports marked thus † are a continuing series.

1 Continued after 1875 in Probate Division.

2 Continued after 1880 in Queen's Bench Division, beginning Vol. 6.

5 Continued after 1875 in Chancery Division.

(b) ALPHABETICAL LIST OF ENGLISH REPORTS—Cont'd.

How Designated.	Abbreviation.	Reporter.	Vol.	Court.	Period Covered.
Lowndes & Maxwell's Bail Court Cases.....	L., M. & P.....	Lowndes, J. J., Maxwell, P. B., & Pollock, C. E.....	1	.....	1852
Luders' Election Cases.....	Lud. El. Cas.....	Luders, A.....	2	Pr. Reports.....	1850-51
Lushington's Admiralty Reports.....	Lush.....	Lushington, V.....	3	, Admiralty	1785-90
Lutwyche	Lut.....	Lutwyche, E. (1 Fol. Ed. & 1 Ed. in 2 Vols.)	1	.....	1859-62
Lutwyche's Registration Cases.....	Lut. R. C.....	Lutwyche, A. J. P.....	2	C. P.....	1682-1704
Maclean & Robinson.....	.....	.....	2	C. P.....	1843-53
McClelland	McCl.....	McClelland, T.....	1	See Scotland.	.....
McClelland & Younge.....	McCl. & Y.....	McClelland, T., & Younge, E.....	1	Ex.	1824
Macnaghten & Gordon.....	Macn. & G.....	Macnaghten, S., & Gordon, A.....	1	Ex.	1825
MacQueen's Appeal Cases.....	.....	.....	3	Ch.	1849-51
Macrory's Patent Cases.....	Macr. P. Cas.....	Macrory	1	.....	1842
Maddock	Mad.....	Maddock, H.....	5	, Chancery	1835-56
Maddock & Geldart.....	Mad. & Gel. or 6 Mad.....	Maddock, H. D., & Geldart, T. C.....	1	Chancery	1815-21
Magisterial Cases .....	.....	.....	1	Chancery	1821-22
Manchester Court Leet Records.....	.....	.....	1	.....	1896-1912
Manning & Granger.....	Man. & Gr.....	Manning, J., & Granger, T. C.....	11	.....	1552-1841
Manning & Ryland.....	Man. & Ry.....	Manning, J., & Ryland, A.....	7	Com. Pl.....	1840-45
Manning & Ryland's Magistrates' Cases M. & R. M. C.....	.....	Manning, J., & Ryland, A.....	5	K. B.....	1827-30
Manning & Ryland's Magistrates' Cases M. & R. M. C.....	.....	Manning, J., & Ryland, A.....	3	K. B. Magistrate Cas.....	1827-30

Manson's Bankruptcy and Winding-Up Cases†	Mans. B. & W. Cas.	Manson, E.	19	—, ...	1894-1912
March				See Brooks' New Cases.	
March's New Cases	March, N. C.	March, J.	1	K. B., C. P.	1639-43
Maritime Reports			2		1866-67
Marsden's Admiralty Cases.	Mars. Adm. Cas.	Marsden, R. G.	1	Admr.	1584-1840
Marshall	Marsh.	Marshall, C.	2	C. P.	1813-16
Maule & Selwyn.	Mau. & Sel.	Maule, G., & Selwyn, W.	6	K. B.	1813-17
Meeson & Welsby	M. & W.	Meeson, R., & Welsby, W. N.	16	Ex.	1836-47
Merivale's Chancery.	Mer.	Merivale, J. H.	3	Chancery	1815-17
Minton-Senhouse's Workmen's Comp. Cases			9		1902-08
Modern	Mod.	Leach, T.	12	K. B., C. P., Ex. & Ch.	1669-1732
Monro's Acta Cancellarie			1		1817
Montagu's Bankruptcy Cases.	Mont.	Montagu, B.	1	Bankruptcy	1830-32
Montagu & Ayrton.	M. & A.	Montagu, B., & Ayrton, S.	3	Bankruptcy	1833-38
Montagu & Bligh's Cases in Bankruptcy	M. & B.	Montagu, B., & Bligh, R.	1	Bankruptcy	1832-33
Montagu & Chitty's Cases in Bankruptcy	Mont. & C.	Montagu, B., & Chitty, E.	1	Bankruptcy	1838-40
Montagu & MacArthur.	M. & MacA.	Montague, B., & MacArthur, J.	1	Bankr.	1826-30
Montagu, Deacon & DeGex.	M., D. & D.	Montague, B., Deacon, E. E., & DeGex, J.	3	Bankruptcy	1840-44
Moody's Crown Cases.	Moo. Cr. C.	Moody, W.	2	Cr. Cases.	1824-44
Moody & Malkin.	M. & M.	Moody, W., & Malkin, B. H.	1	K. B. & C. P. Nisi Prius.	1826-30

(b) ALPHABETICAL LIST OF ENGLISH REPORTS—Cont'd.

How Designated.	Abbreviation.	Reporter.	Vol.	Court.	Period Covered.
Moody & Robinson.....	Moo. & Rob.	Moody, W., & Robinson, F.	2	K. B., C. P. & Ex. Nisi Prius	1830-44
Moore, A.....	Moore, A.	Moore, A.		Bound with 1 B. & P., page 471, C. P.	1796-97
Moore, Sir Francis.....	Moore, K. B.	Moore, F.	1	Fol. K. B., C. P., Ex. & Ch.	1512-1621
Moore, J. B.	Moore	Moore, J. B.	12	C. P.	1817-27
Moore's Gorham Case			1	.. ..	1852
Moore's Indian Appeals.....				See India.	
Moore's Privy Council Cases.....	M. P. C.	Moore, E. F.	15	Privy Coun.	1836-62
Moore's Privy Council Cases, N. S.....	M. P. C. N. S.	Moore, E. F.	9	Privy Coun.	1862-73
Moore & Payne.....	Moore & P.	Moore, J. B., & Payne, J.		C. P.	1827-31
Moore & Scott.....	Moore & S.	Moore, J. B., & Scott, J.	5	C. P.	1831-34
Morrell's Bankruptcy Cases.....	Mor. B. C.	Morrell, C. F.	4	C. P.	1884-93
Mosely	Mos.	Mosely, W.	10	Bankruptcy	1726-31
Murphy & Hurlstone.....	Mur. & Hurl.	Murphy, F. S., & Hurlstone, E. T.	1	Chancery	
Mylne & Craig.....	Myl. & Cr.	Mylne, J. W., & Craig, R. D.	1	Ex.	1836-37
Mylne & Keen.....	M. & K.	Mylne, J. W., & Keen, B.	5	Chancery	1835-41
Nelson	Nels.	Nelson, W.	3	Chancery	1832-35
Nevile & Manning.....	N. & M.	Nevile, S., & Manning, W. M.	1	Chancery	1625-93
Nevile & Manning's Magisterial Cases.....			6	K. B.	1832-36
Nevile & Perry.....	N. & P.	Nevile, T. S., & Perry, T. E.	3	.. ..	1834-38
Nevile & Perry's Magistrate Cases.....	Nev. & P. Mag. C.	Nevile, S., & Perry, T. E.	3	K. B.	1836-38
New Benloe.....			1	Magistrate Cases.	1836-37
New Practice Cases.....	Charl. Pr. Cas.	Charley, W. T., 3 in..		See Benloe.	
			1	—, ...	1875-76

New Reports.....	New Rep.....	6	All Courts.....	1862-65
New Reports, Bosanquet & Puller.....			See Bosanquet & Puller.	
New Session Cases.....	New Sess. (1-2).....	2	Magr. Cas.....	1844-47
	Carrow, J. M., Hamerton, J., & Allen, T.....			
New Session Cases.....	New Sess. Cas. (3-4).....	2	Magr. Cas.....	1847-57
	Hamerton, J., Allen, T., & Otter, C.....	8		—
Notable English Trials				
Notes of Cases in the Maritime and Ecc.		7	Ecc. & Adm.....	1841-50
Courts	Not. Cas.....	1	Fol. K. B. & C. P.....	1559-1649
Noy.....	Noy.....			
O'Malley & Hardcastle's Election Petitions.....	O'Mal. & H.....	6		
	O'Malley, E. L. D., & Hardcastle, H.....	1		
Owen	Ow.....	1	Fol. K. B. & C. P.....	1556-1615
Palmer	Palm.....	1	Fol. K. B. & C. P.....	1619-29
Parker	Park. Exch.....	1	Fol. Ex.....	1678-1718
Patent Cases.....			See Reports of Patent Cases	1743-67
Peake's Nisi Prius Cas.....	Peake N. P.....	1	K. B. Nisi Prius.....	1790-94
Peake's Additional Cas.....	Peake Add. Cas.....		Bound with Peake, N. P., K. B., N. P.....	1795-1812
		2		1802-06
Peckwell's Election Cases.....	Peckw.....	3	Chancery	1695-1735
Peere Williams.....	P. Wms.....			
Perry & Davison.....	P. & D.....	4	Q. B.....	1838-41
	Perry, T. E., & Davison, H.....			
Perry & Knapp's Election Cases.....	Perry, H. J., & Knapp, J. W.....	1		
Phillimore's Ecclesiastical Judgments... Phil. Ecc. Judg.....	Phillimore, R.....	1	Ecc.....	1833
Phillips	Phillips, T. J.....	2	Chancery	1867-75
Pigott & Rodwell's Registration Cases. P. & R.....	Pigott, G., & Rodwell, H.....	1		1841-49
			C. P.....	1843-45
Placita Anglo-Normannaica.....	Plac. Ang. Nor.....	1	K. B.....	1066-1204
Plowden	Plow.....	2	K. B., C. P. & Ex.....	1550-80
Pollexfen	Poll.....	1	Fol. K. B., C. P., Ex. & Ch.....	1669-1732

(b) ALPHABETICAL LIST OF ENGLISH REPORTS—Cont'd.

How Designated.	Abbreviation.	Reporter.	Vol.	Court.	Period Covered.
Popham	Pop.	Popnam, J.	1	Fol. K. B., C. P. & Ch.	1592-1627
Pratt on Contraband.	Pr. Contr.	Pratt, F. T.	1	Admiralty	1740-51
Price	Price	Price, G.	13	Ex.	1814-24
Price's Notes.	Price Notes.	Price, G.	1	Ex.	1830-31
Queen's Bench.	Q. B. on A. E. N. S.	Adolphus, J. L., & Ellis, T. F.	18	Q. B.	1841-52
Railway & Canal Traffic Cases.	R. & C. Cas. (1-3)	Neville, R., & Macnamara, W. H.	3	—	1855-81
Railway & Canal Traffic Cases.	R. & C. Cas. (4-9)	Browne, J. H., & Macnamara, W. H.	6	—	1881-96
Railway & Canal Traffic Cases.	R. & C. Cas. (10-12)	Browne, J. H., Macnamara, W. H., & Neville, R.	3	—	1896-1905
Railway & Canal Traffic Cases†.	R. & C. Cas. (13-14)	Browne, J. H., Macnamara, W. H., Neville, R., & Robertson, W. A.	5	—	1906-1911
Raymond	Raym. Id.	Raymond, Lord R.	3	K. B. & C. P.	1694-1734
Raymond	Raym. Sir T.	Raymond, Sir T.	1	K. B., C. P. & Ex.	1660-84
Rayner's Tithes Cases.			3	—	1783
Real Property and Conveyancing Reports	Real Pr. Cas.		2	All Courts.	1843-48
Registration Cases			2	—	1906-12
Reports, The	The Repts.	Mews, J.	15	All Courts.	1893-95
Reports in Chancery.	Rep. in Chan.	—	1	Fol. Chancr.	1615-1712
Reports of Patent Cases†.	Rep. Pat. Cas.	Cutler, J.	29	—	1884-1912
Reports Temp. Finch.				See Finch.	
Rickard & Saunders' Locus Standi Reports			1	See Series beginning with Chiford & Stephens.	1899

† Reports marked thus † are a continuing series.

Ridgeway, Temp.....	Hardwicke, Ridg. t.....	Hardwicke, Ridgeway W.	1	K. B. & Ch.....	1733-46
Robertson's Ecc. Reports	Rob. Ecc.....	Robertson, J. E.....	2	Ecc.	1844-53
Robinson, C., Admiralty Reports.....			6	.....	1801-08
Robinson, W., Admiralty Reports.....			3	.....	1814-50
Rolle	Rolle	Rolle, H.	2	Fol. K. B.....	1614-1625
Romilly's Notes of Cases	Rom.	Romilly, S.	1	Chancery	1767-86
Roscoe's Prize Cases	Rose	Rose, G.	2	.....	1905
Rose's Cases in Bankruptcy.....	Rot. Car. Reg.....	Rose, G.	2	Bankruptcy	1810-16
Rotuli Curiae Regis.....	Russ.	Russell, J.	2	K. B.....	1194-99
Russell	Russ. & M.....	Russell, J., & Mylne, J. W.	5	Chancery	1826-29
Russell & Mylne.....	R. & R. C. C.....	Russell, W. O., & Ryan, E.....	2	Chancery	1829-31
Russell & Ryan's Crown Cases.....			1	Crown Cas.....	1799-1823
Ryde's Rating Appeals	Ry. & M.....	Ryan, E., & Moody, W.	4	.....	1871-1904
Ryan & Moody	Salk.	Salkeld, W.	1	K. B. & C. P. Nisi Prius.....	1823-26
Salkeld	Saund.	Saunders, E., 2 in.....	3	K. B., C. P., Ex. & Ch.....	1689-1712
Saunders	S. & C.....	Saunders, T. W., & Cole, H. T., 2 in.....	3	K. B.....	1666-73
Saunders & Cole.....			1	Bail Court.....	1816-48
Saunders & Austin's Locus Standi Re- ports			2	See Series beginning with Clifford & Stephens	1895-1904
Saunders & Bidder's Locus Standi Re- ports			2	.....	1905-13
Savile	Sav.	Savile, J.	1	Fol. C. P. & Ex.....	1580-94
Sayer	Sco.	Sayer, J.	1	K. B.....	1751-56
Scott	Sco. N. R.....	Scott, J.	8	C. P.....	1834-40
Scott's New Reports.....	S. & Sm.....	Scott, J.	8	C. P.....	1810-45
Searle & Smith.....		Searle, R., & Smith, J. C.	1	Probate Div.....	1859-60
Select Cases in Chancery, Temp. King. Sel. Cas. t.....		King	1	Fol. Chaner.....	1724-34

(b) ALPHABETICAL LIST OF ENGLISH REPORTS—Cont'd.

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Sessions Cases.....	Sess. Cas.....		1	K. B. (Settlement Cas.).....	1710-48
Shower	Show. K. B.....	Shower, B.....	2	K. B.....	1678-95
Shower's Cases in Parliament.....	Show. P. C.....	Shower, B.....	1	Fol. H. of L.....	1694-99
Siderfin	Sid.....	Siderfin, T., 2 parts in	1	K. B., C. P. & Ex.....	1657-70
Simons	Sim.....	Simons, N.....	17	Chancery	1826-52
Simons' Cases in Chancery, New Series.....	Sim. N. S.....	Simons, N.....	2	Ch.....	1850-52
Simons & Stuart.....	Sim. & S.....	Simons, N., & Stuart, J.	2	Chancery	1822-26
Skinner	Skin.....	Skinner, R.....	1	Fol. K. B.....	1681-98
Smale & Giffard's Chancery Reports.....	S. & G.....	Smale, J., & Giffard, L. W., De I.....	3	Chancery	1852-57
Smith	Smith, J. P.....	Smith, J. P.....	3	K. B. & Ch.....	1803-06
Smith's Registration Cases	Smith, J. P.....	Smith, J. P.....	2	.....	1906-12
Solicitor's Journal.....	Sol. J.....	.....	44	All Courts.....	1857-1900
Spinks' Admiralty Reports.....	Spinks	Spinks, T.....	2	Eccl. & Adm.....	1853-55
Spinks' Prize Cases.....	Sp. Pr. Cas.....	Spinks, T.....	1	Admiralty	1854-56
Star Chamber Cases.....	St. Ch. Cas.....	.....	1	Star Chbr.....	1841
Starkie	Stark, N. P.....	Starkie, T.....	3	K. B. & C. P. Nisi Prius.....	1814-22
State Trials.....	St. Tr.....	.....	34	K. B.....	1163-1820
State Trials, New Series.....	St. Tr. N. S.....	.....	8	K. B.....	1820-58
Strange	Str.....	Strange, J.....	2	K. B., C. P., Ex. & Ch.....	1716-49
Style	Sty.....	Style, W.....	1	Fol. Upper Bench, K. B.....	1645-56
Swabey's Admiralty Reports.....	Swab.....	Swabey, M. C. M.....	1	Admr.....	1855-59
Swabey & Tristram's Probate & Matrimonial Reports.....	Sw. & Tr.....	Swabey, M. C. M., & Tristram, T. H.....	4	Prob. & Div.....	1858-65
Swanston	Swan.....	Swanston, C. T.....	3	.....	1821-27
Talbot's Ritual Decisions	Talbot.....	Talbot, J.....	1	.....	1894
Tamlyn	Tam.....	Tamlyn, J.....	1	Chancery	1829-30
Taunton	Taunt.....	Taunton, W. P.....	8	C. P.....	1807-19
Temple & Mew.....	T. & M.....	Temple, L., & Mew, G.	1	Cr. Cases.....	1818-51

Term Reports.....	See Durnford & East.		
Digest of Times Law Reports, Vol. 1—			
11.....	Barry, W. F., & Rucker, F. G.....	1	1884-95
Digest of Times Law Reports, Vol. 12—			
16.....	Barry, W. F.....1 (Vol. 2)		1895-1900
Times Law Reports†.....	(With Law Reports) 28		1884-1912
Tothill.....	Tothill, W. (Transactions and Proceedings)		All Courts.....
Tristram's Consistory Judgments.....		1	1559-1646
Turner & Russell.....	Turner, G., & Russell, J.	1	Chancery.....
Tyrwhitt.....	Tyrwhitt, R. P.....	1	1893
Tyrwhitt & Granger.....	Tyrwhitt, R. P., & Granger, T. C.....	5	Chancery.....
Vaughan.....	Vaughan, J.....	1	1822-24
Ventris.....	Ventris, P., 2 parts in	1	Ex.....
Vernon.....	Vernon, T.....	1	1830-35
Vesey, Senior.....	Vesey, F., Sen. (Belt's Ed.).....	2	Ex.....
Vesey, Senior, Belt's Supplement.....	Belt, R.....	2	Fol. C. P.....
Vesey, Junior's, Chancery Reports.....	Vesey, F., Jun. (Sumner's Ed.).....	1	Fol. K. B., C. P. & Ch.....
Vesey & Beames' Chancery Reports.....	Vesey, F., & Beames, J.	20	Chancery.....
Webster's Patent Cases.....	Webster, T., 2 in.....	3	1747-56
Weekly Notes.....	Week. No.....	1	Chancery.....
Weekly Reporter, with Annual Digest..	Repr.....	42	1789-1817
Welsby, Hurlstone & Gordon.....	West, M. J.....	61	Chancery.....
West's Chancery Reports.....	West, M. J.....	1	1812-14
West's House of Lords Cases.....	West, H. L.....	1	Patent Cas.....
Wightwick.....	Wightwick, J.....	1	1602-1855
		1	All Courts.....
		1	All Courts.....
		1	See Exchequer Reports.
		1	Chancery.....
		1	H. of L.....
		1	Ex.....

† Reports marked thus † are a continuing series.

(b) ALPHABETICAL LIST OF ENGLISH REPORTS—Cont'd.

How Designated.	Abbreviation.	Reporter.	Vol.	Court.	Period Covered.
Willes	Will.	Willes, Sd. C. J.	1	C. P., H. of L. & Ch.	1737-60
Williams, William Peere.				See Peere Williams.	
Willmore, Wollaston & Davison	W., W. & D.	Willmore, G., Wollaston, F. L., & Davison, H.	1	K. B. & Bail Court.	1837
Willmore, Wollaston & Hodges	W., W. & H.	Willmore, G., Wollaston, F. L., & Hodges, W.	2	Q. B. & Bail Court.	1838-39
Wilmot's Notes of Opinions & Judgments	Wilm.	Wilmot, J. E.	1	Fol. H. of L., K. B., C. P. & Ch.	1757-70
Wilson	Wils.	Wilson, G., 3 parts in..	2	Fol. K. B., C. P. & Ch.	1743-75
Wilson's Chancery	Wils. Ch.	Wilson, 2 in.	1	Chancery	1818-19
Wilson's Exchequer	Wils. Exch.	Wilson	1	Ex.	1817
Winch	Winch	Winch, H.	1	Fol. C. P.	1621-25
Wolverstan & Bristowe's Election Cases	Wolf. & B.	Wolverstan, F. S. P., & Bristowe, S. B.	1	—, ...	1859-64
Wolverstan & Dew's Election Cases	Wolf. & D.	Wolverstan, F. S. P., & Dew, E. L. E.	1	—, ...	1857-58
Wollaston	Woll.	Wollaston	1	Bail Court	1840-41
Wollaston's Coronation Claims			1	..	1903
Wood's Tithe Cases			4	..	1798-99
Workmen's Compensation Cases			9	..	1902-08
Workmen's Compensation Cases			5	..	1909-12
Workmen's Compensation Appeals			1	..	1910-12
Wyatt's Chancery Register			1	..	1800
Year Books, 20-22 and 30-35	Edw. I., Y. B., Ed. I.	Harwood, A. J.	5	K. B. & C. P.	1292-1307
Year Books	Y. B.	Maynard, J. (Ed.)	6	Fol. K. B., C. P. & Ex.	1307-1537
Year Books 11-16 Edward III.	Y. B. 11-16 Ed. III.	Pike, L. O.	15	K. B., C. P. & Ex.	1337-46
Yelverton	Yelv.	Yelverton, H.	1	K. B.	1603-13

Young	 You.	 Younge, E.	1	Ex. in Eq.	1830-32
Young & Collyer's Chancery Reports.	Y. & C. Ch.	 Younge, E., & Collyer, J.	2	Chancery	1841-43
Young & Collyer's Exchequer Reports.	Y. & C. Ex.	 Younge, E., & Collyer, J.	4	Ex. in Eq.	1834-42
Young & Jervis.	Y. & J.	 Younge, E., & Jervis, J.	3	Ex.	1826-30

(c) CHRONOLOGICAL LIST OF ENGLISH REPORTS ARRANGED
ACCORDING TO COURTS.

Following is a chronological list of the English reports, arranged according to courts, and showing the number of volumes and period covered by each series.

HOUSE OF LORDS.

	No. of Vols.	Period.
Showers	1	1694 to 1699
Colles	1	1697 " 1714
Brown, by Tomlins.....	8	1702 " 1800
Dow	6	1812 " 1818
Bligh	3	1819 " 1821
Bligh, New Series.....	11	1827 " 1837
Dow and Clark.....	2	1827 " 1832
Clark and Finnelly.....	12	1831 " 1846
Maclean and Robinson.....	1	1839
West	1	1839 " 1841
House of Lords Cases (Clark).....	11	1847 " 1865

PRIVY COUNCIL.

Acton	1	1809 " 1811
Knapp	3	1829 " 1836
Moore	15	1836 " 1861
Moore, New Series.....	9	1862 " 1873
Moore, The Gorham Case.....	1	1850
Moore, East India Appeals.....	14	1836 " 1873
Indian Appeals Supplement.....	1	1872 " 1873
The Law Reports, Indian Appeals‡.....	38	1872 " 1911

CHANCERY.

Cary	1	1557 " 1604
Choyce Cases in Chancery.....	1	1557 " 1606
Tothill	1	1559 " 1646
Dickens	2	1559 " 1798
Reports in Chancery.....	1	1615 " 1712
Nelson	1	1625 " 1693
Equity Cases Abridged.....	2	1667 " 1744
Cases in Chancery.....	1	1660 " 1688
Freeman	1	1660 " 1706
Finch (Sir H.).....	1	1673 " 1681
Vernon	2	1681 " 1720
Finch's Precedents.....	1	1689 " 1723
Peere Williams.....	3	1695 " 1736
Gilbert	1	1705 " 1727

‡ Reports marked thus ‡ are a continuing series.

CHANCERY—Cont'd.

	No. of Vols.	Period.	
Select Cases temp. King.....	1	1724	" 1734
Mosely	1	1726	" 1731
Kelynge, W.....	1	1730	" 1732
Talbot Cases temp.....	1	1734	" 1738
West	1	1736	" 1739
Atkyns	3	1736	" 1755
Ambler	2	1737	" 1784
Barnardiston	1	1740	" 1741
Ridgeway, temp. Hardwicke.....	1	1744	" 1746
Vesey, Sr., and Belt's Sup.....	3	1747	" 1756
Eden	2	1757	" 1767
Brown, by Eden.....	4	1778	" 1794
Brown, by Belt.....	4	—	" —
Cox	2	1783	" 1796
Vesey, Jr., with Index, and Hovenden's Sup.....	22	1789	" 1816
Vesey and Beames.....	3	1812	" 1814
Cooper (G.).....	1		1815
Merivale	3	1815	" 1817
Swanston	3	1818	" 1819
Jacob and Walker.....	2	1819	" 1821
Jacob	1	1821	" 1822
Turner and Russell.....	1	1822	" 1824
Russell	5	1823	" 1829
(Only two parts of 5th vol. were published).			
Russell & Mylne.....	2	1829	" 1831
Mylne and Keen.....	3	1832	" 1835
Mylne and Craig.....	5	1836	" 1840
Craig and Phillips.....	1		1841
Phillips	2	1841	" 1849
Macnaghten and Gordon.....	3	1849	" 1851
De Gex, Macnaghten and Gordon.....	8	1851	" 1857
De Gex and Jones.....	4	1857	" 1859
De Gex, Fisher and Jones.....	4	1859	" 1862
De Gex, Jones and Smith.....	4	1862	" 1866

Collateral Reports.

Romilly's Notes of Cases.....	1	1767	" 1787
Wilson	1	1818	" 1819
Cooper temp. Brougham.....	1	1833	" 1834
Donnelly	2	1836	" 1837
Cooper's Practice Cases.....	1	1837	" 1838
Cooper temp. Cottenham.....	2	1846	" 1848
Hall and Twells.....	2	1848	" 1850
Equity Cases.....	3	1853	" 1855

• **Rolls Court.**

Tamlyn	1	1829	" 1830
Keen	2	1836	" 1838
Beavan	36	1838	" 1866

CHANCERY—Cont'd.

Vice Chancellor's Court.

	No. of Vols.	Period.	
Maddock	6	1815	" 1822
Simons and Stuart.....	2	1822	" 1826
Simons	17	1826	" 1849
Simons, New Series.....	2	1850	" 1852
Drewry	4	1852	" 1859
Drewry and Smale.....	2	1860	" 1865
Young and Collyer.....	2	1841	" 1843
Collyer	2	1844	" 1845
De Gex and Smale.....	5	1846	" 1852
Smale and Giffard.....	3	1852	" 1857
Giffard	5	1857	" 1865
Hare	11	1841	" 1853
Kay	1	1853	" 1854
Kay and Johnson.....	4	1854	" 1858
Johnson	1		1859
Johnson and Hemming.....	2	1860	" 1862
Hemming and Miller.....	2	1862	" 1865

KING'S BENCH AND QUEEN'S BENCH.

Placita Anglo-Normannica.....	1	1066	" 1195
Rotuli Curiae Regis.....	2	1194	" 1199
State Trials, with Index.....	34	1163	" 1820
Year Books, of Edward I.....	5	1292	" 1307
Year Books.....	11	1307	" 1537
Bellewe	1	1378	" 1400
Keilwey	1	1496	" 1531
Moore	1	1512	" 1621
Dyer	3	1513	" 1582
Brooke's New Cases	1	1515	" 1558
March's Translation of Brooke }			
Benloe	1	1531	" 1628
Leonard	1	1540	" 1615
Plowden	2	1550	" 1580
Owen	1	1556	" 1615
Noy	1	1559	" 1649
Coke	6	1572	" 1616
Goldbolt	1	1575	" 1638
Croke	4	1582	" 1641
Gouldesborough	1	1586	" 1602
Popham	1	1592	" 1627
Yelverton	1	1603	" 1613
Hobart	1	1603	" 1625
Davies (Ireland)	1	1604	" 1612
Ley	1	1608	" 1629
Calthrop	1	1609	" 1618
Bulstrode	1	1609	" 1639
Rolle	2	1614	" 1625
Palmer	1	1619	" 1629
Jones, Sir W.....	1	1620	" 1641

KING'S BENCH AND QUEEN'S BENCH—Cont'd.

	No. of Vols.	Period.
Latch	1	1625 " 1628
March's New Cases.....	1	1639 " 1653
Style	1	1615 " 1646
Aleyn	1	1646 " 1649
Siderfin	2	1657 " 1670
Raymond, Sir T.....	1	1660 " 1684
Levinz	3	1660 " 1697
Keble	3	1661 " 1679
Kelyng, J.....	1	1662 " 1669
Saunders	3	1666 " 1673
Jones, T.....	1	1667 " 1685
Ventris	1	1668 " 1691
Pollexfen	1	1669 " 1685
Modern	12	1669 " 1732
Freeman	1	1670 " 1704
Shower	2	1678 " 1695
Skinner	1	1681 " 1698
Comberbach	1	1685 " 1699
Carthew	1	1686 " 1701
Holt	1	1688 " 1711
Salkeld	3	1689 " 1712
Raymond	3	1694 " 1734
Fortescue	1	1695 " 1738
Comyns	2	1695 " 1741
Sessions Cases	1	1710 " 1748
Gilbert's Cases in Law and Equity.....	1	1713 " 1715
Strange	2	1716 " 1749
Barnardiston	2	1726 " 1735
Fitzgibbon	1	1728 " 1733
Kelynge (Wm.)	1	1730 " 1732
Barnes' Cases of Practice.....	1	1732 " 1760
Ridgeway temp. Hardwicke.....	1	1733 " 1737
Cunningham	1	1734 " 1736
Lee temp. Hardwicke.....	1	1733 " 1738
Andrews	1	1738 " 1740
Wilson	3	1742 " 1774
Blackstone (W.)	2	1746 " 1780
Sayer	1	1751 " 1756
Kenyon	2	1753 " 1760
Wilmot's Notes and Opinions.....	1	1757 " 1770
Burrow	5	1757 " 1771
Lofft	1	1772 " 1774
Cowper	2	1774 " 1778
Douglas	1	1778 " 1784
Durnford and East (Term Reports).....	8	1785 " 1800
East	15	1801 " 1812
Maule and Selwyn	6	1813 " 1817
Barnewall and Alderson.....	5	1817 " 1822
Barnewall and Cresswell.....	10	1822 " 1830
Barnewall and Adolphus.....	5	1830 " 1834
Adolphus and Ellis.....	12	1834 " 1840
Queen's Bench (Adolphus and Ellis, New Series).....	18	1841 " 1852

KING'S BENCH AND QUEEN'S BENCH—Cont'd.

	No. of Vols.	Period.	
Ellis and Blackburn.....	8	1852	" 1858
Ellis, Blackburn and Ellis.....	1		1858
Ellis and Ellis.....	3	1858	" 1861
Best and Smith.....	10	1861	" 1869

Collateral Reports.

J. P. Smith.....	3	1803	" 1806
Dowling and Ryland.....	9	1821	" 1827
Manning and Ryland.....	5	1827	" 1830
Nevile and Manning.....	6	1831	" 1836
Nevile and Perry.....	3	1836	" 1838
Perry and Davison.....	4	1838	" 1841
Gale and Davison.....	3	1841	" 1843
Davison and Merivale.....	1	1843	" 1844
Harrison and Wollaston.....	2	1835	" 1836
Willmore, Wollaston and Davison.....	1		1837
Willmore, Wollaston and Hodges.....	2	1838	" 1839
Arnold and Hodges' Practice Cases.....	1	1840	" 1841
Cababe and Ellis.....	1	1822	" 1885

PRACTICE REPORTS AND BAIL COURT.

Chitty	2	1770	" 1822
Dowling	9	1830	" 1840
Dowling, New Series.....	2	1841	" 1842
Dowling and Lowndes.....	7	1843	" 1849
Saunders and Cole.....	2	1816	" 1848
Lowndes, Maxwell and Pollock.....	2	1850	" 1851
Lowndes and Maxwell.....	1	1852	" 1854
Wollaston	1	1840	" 1841
New Practice Cases.....	3	1844	" 1848

COMMON PLEAS.

Benloe and Dalison.....	1	1486	" 1580
Anderson	1	1534	" 1605
Brownlow and Goldsborough.....	1	1569	" 1624
Savile	1	1580	" 1594
Hutton	1	1612	" 1639
Bridgman, Sir J.....	1	1613	" 1621
Winch	1	1621	" 1625
Littleton	1	1626	" 1632
Hetley	1	1627	" 1632
Bridgman, Sir Orlando.....	1	1660	" 1667
Carter	1	1664	" 1676
Vaughan	1	1665	" 1674
Lutwyche	2	1682	" 1704
Lutwyche, translated by Nelson.....	1	1682	" 1704
Cooke	2	1706	" 1717
Willes	1	1737	" 1758
Blackstone (H.).....	2	1788	" 1796

COMMON PLEAS—Cont'd.

	No. of Vols.	Period.	
Bosanquet and Puller.....	5	1796	" 1807
Taunton	8	1808	" 1819
Broderip and Bingham.....	3	1819	" 1822
Bingham	10	1822	" 1834
Bingham, New Cases.....	6	1831	" 1840
Manning and Granger	7	1840	" 1844
Common Bench, with Index.....	19	1815	" 1856
Common Bench, New Series.....	19	1856	" 1865

Collateral Reports.

Marshall	2	1814	" 1816
Moore	12	1817	" 1827
Moore and Payne.....	5	1828	" 1831
Moore and Scott.....	4	1831	" 1834
Scott	8	1831	" 1840
Scott, New Reports.....	8	1840	" 1845
Hodges	3	1835	" 1837
Arnold	2	1838	" 1839
Drinkwater	1	1840	" 1841
Harrison and Rutherford.....	1	1865	" 1866

EXCHEQUER.

Jenkins	1	1220	" 1623
Lane	1	1605	" 1612
Hardres	1	1655	" 1669
Bunbury	1	1713	" 1742
Parker	1	1743	" 1767
Anstruther	3	1792	" 1797
Forest	1		1801
Wightwick	1	1810	" 1811
Price	13	1814	" 1824
McClelland	1		1824
——— and Younge.....	1		1825
Younge and Jervis.....	3	1826	" 1830
Crompton and Jervis.....	2	1830	" 1832
Crompton and Meeson.....	2	1832	" 1834
Crompton, Meeson and Roscoe.....	2	1834	" 1836
Meeson and Welsby.....	16	1836	" 1847
Exchequer Reports (Welsby, Hurlstone and Gordon)....	11	1849	" 1856
Hurlstone and Norman.....	7	1856	" 1861
Hurlstone and Coltman.....	4	1862	" 1865

Collateral Reports.

Price's Notes of Practical Cases.....	1	1830	" 1831
Tyrwhitt	5	1830	" 1835
Tyrwhitt and Granger.....	1		1836
Gale	2	1835	" 1836
Murphy and Hurlstone.....	1	1836	" 1837
Horn and Hurlstone.....	2	1838	" 1839
Hurlstone and Walmsley.....	1	1840	" 1841

EXCHEQUER—Cont'd.

Exchequer, Equity.	No. of Vols.	Period.
Wilson	1	1817
Daniell	1	1817 " 1819
Younge	1	1830 " 1832
Younge and Collyer.....	4	1833 " 1841

NISI PRIUS.

Clayton	1	1631 " 1650
Peake	2	1790 " 1812
Espinasse	6	1793 " 1807
Campbell	4	1808 " 1816
Holt	1	1815 " 1817
Starkie	3	1815 " 1822
Gow	1	1818 " 1820
Dowling and Ryland.....	1	1822 " 1823
Ryan and Moody.....	1	1823 " 1826
Carrington and Payne.....	9	1823 " 1841
Moody and Malkin.....	1	1827 " 1830
Moody and Robinson.....	2	1831 " 1844
Carrington and Marshman.....	1	1840 " 1842
Carrington and Kirwan.....	3	1843 " 1850
Foster and Finlason.....	4	1858 " 1867

ECCLESIASTICAL.

Lee	2	1752 " 1758
Haggard (Consistory)	2	1752 " 1821
Phillimore	3	1809 " 1821
Addams	3	1822 " 1826
Haggard	4	1827 " 1833
Curteis	3	1834 " 1844
Notes of Cases in the Ecclesiastical and Maritime Courts..	7	1841 " 1850
Robertson	2	1844 " 1851
Spinks (Ecclesiastical and Admiralty).....	2	1853 " 1855
Deane and Swabey.....	1	1855 " 1857
Brodrick and Fremantle.....	1	1840 " 1865
Brooke	1	1850 " 1872
Dale	1	1871
Phillimore's Ecclesiastical Judgments.....	1	1867 " 1875
Cripp's Church and Clergy Cases.....		1847 " 1850

PROBATE AND DIVORCE.

Swabey and Tristram.....	4	1858 " 1865
Searle and Smith (parts 1 and 2 all published).....		1859 " 1860

ADMIRALTY.

	No. of Vols.	Period.	
Mariott	1	1776	" 1779
Robinson (Sir C.).....	6	1799	" 1808
Edwards	1	1808	" 1810
Dodson	2	1811	" 1822
Haggard	3	1822	" 1837
Robinson (Dr. W.).....	3	1838	" 1852
Spinks (Eccl. and Adm.).....	2	1853	" 1855
Spinks' Prize Cases.....	1	1854	" 1855
Swabey	1	1858	" 1859
Lushington	1	1860	" 1863
Browning and Lushington.....	1	1864	" 1865
Marsden	1	1648	" 1840

Collateral Reports.

Notes of Cases in the Ecclesiastical and Maritime Courts..	7	1841	" 1850
Maritime Cases, Crockford.....	3	1860	" 1871
Maritime Cases, Aspinall‡.....	11	1870	" 1911
Holt's Admiralty Cases.....	1	1863	" 1867

BANKRUPTCY.

Rose	2	1810	" 1816
Buck	1	1816	" 1820
Glyn and Jameson.....	2	1821	" 1828
Montagu and McArthur.....	1	1826	" 1830
Montagu	1	1830	" 1832
Montagu and Bligh.....	1	1832	" 1833
Deacon and Chitty.....	4	1832	" 1835
Montagu and Ayrton.....	3	1833	" 1838
Deacon	4	1836	" 1839
Montagu and Chitty.....	1	1838	" 1840
Montagu, Deacon and De Gex.....	3	1840	" 1844
De Gex	1	1845	" 1848
De Gex, Macnaghten and Gordon.....	1	1851	" 1855
De Gex and Jones.....	1	1857	" 1859
De Gex, Fisher and Jones.....	1	1859	" 1861
De Gex, Jones and Smith.....	1	1862	" 1865
Insolvency Cases (Cresswell).....	1	1827	" 1829
Macrae and Hertslet.....	1	1847	" 1852
Fonblanque's Bankruptcy Cases.....	1	1849	" 1852
Gazette of Bankruptcy.....	4	1861	" 1863
Morrell	10	1884	" 1893
Manson, Bankruptcy and Companies Winding Up.‡.....	19	1894	" 1912

RAILWAY AND CANAL CASES.

Nicholl, Hare, Carrow, Oliver, Beavan and Lefroy.....	7	1835	" 1855
Neville and Macnamara	3	1855	" 1881
Browne and Macnamara.....	6	1881	" 1896
Browne, Macnamara and Neville.....	3	1896	" 1905
Browne, Macnamara, Neville and Robertson‡.....	2	1906	" 1911

‡ Reports marked thus ‡ are a continuing series.

MERCANTILE CASES.

	No. of Vols.	Period.
Danson and Lloyd.....	1	1828 " 1829
Lloyd and Welsby.....	1	1829 " 1830

COMPANIES' ACTS.

Megone	2	1889 " 1891
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ELECTION CASES.

Glanville	1	1624
Douglas	4	1774 " 1776
Phillips	1	1782
Luders	3	1785 " 1787
Fraser	2	1790 " 1792
Peckwell	2	1802 " 1806
Corbett and Daniell.....	1	1819
Cockburn and Rowe.....	1	1832
Perry and Knapp.....	1	1833
Knapp and Ombler.....	1	1834
Falconer and Fitzherbert.....	1	1835 " 1839
Barron and Austin.....	1	1842
Barron and Arnold.....	1	1843 " 1846
Power, Rodwell and Dew.....	2	1847 " 1856
Wolferstan and Dew.....	1	1856 " 1858
Wolferstan and Bristowe.....	1	1859 " 1864
O'Malley and Hardcastle (Election Petitions).....	5	1869 " 1896

REGISTRATION CASES.

Pigott and Rodwell.....	1	1843 " 1845
Lutwyche	2	1843 " 1853
Keane and Grant.....	1	1854 " 1862
Hopwood and Philbrick.....	1	1863 " 1867
Hopwood and Coltman.....	2	1868 " 1878
Coltman	1	1879 " 1885
Fox and Smith.....	1	1886 " 1895
Smith	2	1896 " 1910

COURTS OF REVISION.

Manning	1	1832
Delane	1	1836

COMMERCIAL COURT.

Commercial Cases	18	1895 " 1913
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MAGISTRATES' CASES.

	No. of Vols.	Period.
Caldecott	1	1776 " 1785
Nolan	1	1791 " 1793
Dowling and Ryland.....	1	1822 " 1827
Manning and Ryland.....	3	1827 " 1830
Nevile and Manning.....	3	1832 " 1836
Nevile and Perry.....	1	1836 " 1837
Carrow, Hamerton and Allen (New Sessions Cases).....	4	1844 " 1851
Bittleston, Wise and Parnell (New Magistrates' Cases)...	4	1844 " 1850
Cox's Magistrates' Cases‡.....	24	1862 " 1911

CROWN CASES.

Kelyng, Sir J.....	1	1662 " 1669
Foster	1	1743 " 1761
Leach	2	1730 " 1815
Russell and Ryan.....	1	1799 " 1823
Lewin's Crown Cases on the Northern Circuit.....	2	1822 " 1838
Moody	2	1824 " 1844
Denison	2	1844 " 1852
Dearsly	1	1852 " 1856
Dearsly and Bell.....	1	1856 " 1858
Bell	1	1858 " 1860
Leigh and Cave.....	1	1861 " 1865
The Law Reports.....	2	1865 " 1875
Cox's Criminal Law Cases‡.....	22	1843 " 1912
Temple and Mew's Criminal Appeal Cases.....	1	1848 " 1851
Central Criminal Court Cases‡.....	141	1834 " 1905

COUNTY COURTS.

Cox, Macrae and Hertslet.....	1	1847 " 1852
Roberts, Leeming and Wallis.....	1	1849 " 1851
Saunders and Macrae.....	2	1852 " 1857
Austin	1	1867 " 1869
De Colyar	1	1867 " 1882
County Courts Chronicle.....	40	1847 " 1906
County Courts Reports, New Series.....	27	1860 " 1906

PATENT CASES.

Davies	1	1785 " 1816
Carpmael	2	1602 " 1840
Webster	2	1601 " 1855
Macrory	1	1841 " 1856
Bovill's Patent, by Wynne.....	1	1873
Higgins' Digest of Patent Cases, with Supplement.....	1	1623 " 1880
Goodeve's Abstract of Patent Cases.....	1	1883
Reports of Patent Cases‡.....	29	1884 " 1912

‡ Reports marked thus ‡ are a continuing series.

SETTLEMENT CASES.

	No. of Vols.	Period.	
Cases of Settlement.....	1	1685	" 1733
Sessions Cases	2	1710	" 1748
Burrows' Settlement Cases.....	1	1732	" 1776
Bott	2	1761	" 1827
Caldecott	1	1776	" 1785

TITHE CASES.

Rayner	3	1575	" 1782
Wood	4	1650	" 1798
Gwillim	4	1224	" 1824
Western	1	1535	" 1822
Eagle and Younge.....	4	1204	" 1826

PRACTICE CASES UNDER THE JUDICATURE ACTS.

Bittleston's Practice Reports.....	1	1875	" 1876
Bittleston's Reports in Chambers.....	1	1883	" 1884
Charley's Practice Cases.....	3	1875	" 1876

**LOCUS STANDI, OR COURT OF REFEREES ON PRIVATE BILLS
IN PARLIAMENT.**

Stone and Graham Reports (part 1).....			1866
Clifford and Stephens.....	2	1867	" 1872
Clifford and Rickards.....	3	1873	" 1884
Rickards and Michael.....	1	1885	" 1889
Rickards and Saunders.....	1	1890	" 1891
Saunders and Austin.....	2	1895	" 1905

THE LAW REPORTS.*The Appellate Series.*

English and Irish Appeal Cases.....	7	1865	" 1875
Scotch and Divorce Appeal Cases.....	2	1866	" 1875
Privy Council Appeal Cases.....	6	1865	" 1875

Common Law Series.

Queen's Bench Series.....	10	1865	" 1875
Common Pleas Cases.....	10	1865	" 1875
Exchequer Cases	10	1865	" 1875
Probate and Divorce Cases.....	3	1865	" 1875
Admiralty and Ecclesiastical Cases.....	4	1865	" 1875
Crown Cases Reserved.....	2	1865	" 1875

The Equity Series.

Chancery Appeal Cases.....	10	1865	" 1875
Equity Cases	20	1865	" 1875

THE LAW REPORTS—Cont'd.

New Series.

	No. of Vols.	Period.	
Appeal Cases	15	1876	" 1890
Chancery Division	45	1876	" 1890
Common Pleas Division*	5	1876	" 1880
Exchequer Division*	5	1876	" 1880
Probate Division	15	1876	" 1890
Queen's Bench Division.....	25	1876	" 1890

Third Series.†

Appeal Cases.....	19	1891	" 1909
Chancery	42	1891	" 1909
Queen's Bench (King's Bench since 1901).....	38	1891	" 1909
Probate	19	1891	" 1909

MISCELLANEOUS.

Star Chamber Cases (reprinted).....	1		1641
Clayton	1	1631	" 1850
Lilly	1	1688	" 1693
Conroy's Custodian Reports.....	1	1652	" 1788
Rowe's Parliamentary and Military Cases.....	1	1798	" 1823
Select Cases Relating to Evidence.....	1	1698	" 1732
Real Property and Conveyancing Cases.....	2	1843	" 1848
English Ruling Cases.....	26		1902
The Revised Reports‡.....	114	1785	" 1859
English Reports, Full Reprint (to be completed in 150 volumes)		1300	" 1865
Law Journal Reports‡.....	82	1832	" 1913
Law Times Reports‡.....	106	1859	" 1912
Times Law Reports‡.....	28	1884	" 1912
Justice of the Peace‡.....	76	1837	" 1912
Criminal Appeals.....	4	1908	" 1910

AMERICAN REPRINTS.

Admiralty Reports	9	1776	" 1850
Chancery Reports	69	1821	" 1865
Common Law Reports.....	118	1813	" 1865
Exchequer Reports	47	1824	" 1866
Ecclesiastical Reports	7	1752	" 1844
Law and Equity Reports.....	40	1850	" 1857
Law Reports	39	1865	" 1871
Moak's English Reports.....	38	1872	" 1889

* Beginning with 1881 these reports were consolidated with the Queen's Bench Division.

† These reports are cited by years.

‡ Reports marked thus ‡ are a continuing series.

CHAPTER 5.

LIST OF CITATION BOOKS.

This list covers all Citation Books issued to about November, 1913.

State.	Citation Book.
Alabama	Shepard's Citations.
Arkansas	Shepard's Citations. Arkansas Citator.
California	Rose's Notes. Shepard's Citations.
Colorado	Shepard's Citations.
Connecticut	Shepard's Citations.
Dakota (N. & S.).....	Shepard's Citations. Notes on Reports.
Florida	Shepard's Citations.
Georgia	Shepard's Citations.
Idaho	Idaho Citator. Shepard's Citations.
Illinois	Fiske's Citations. Shepard's Citations. The Citator.
Indiana	Shepard's Citations. The Citator. Thompson's Citations. Woolen's Topical Annotations.
Iowa	Aitchison's Annotations. Russell's Notes. Shepard's Citations. The Citator.
Kansas	Shepard's Citations. The Citator.
Kentucky	Caldwell's Notes. Shepard's Citations.
Louisiana	Shepard's Citations.
Maine	Shepard's Citations.
Maryland	Shepard's Citations.
Massachusetts	Williams' Citations. Shepard's Citations.
Michigan	Shepard's Citations. The Citator.
Minnesota	Notes on Reports. Shepard's Citations. The Citator.
Mississippi	Shepard's Citations.
Missouri	Shepard's Citations. The Citator.
Montana	Montana Citator. Shepard's Citations.
Nebraska	Shepard's Citations.

State.	Citation Book.
Nevada	Notes on Reports. Shepard's Citations.
New Hampshire.....	Shepard's Citations.
New Jersey.....	Shepard's Citations.
New York.....	Kreidler's Table of Cases. Shepard's Citations. Silvernail's Citations. Taylor's Citations.
North Carolina	Shepard's Citations.
North Dakota	Shepard's Citations. Notes on Reports.
Ohio	Longsdorf's Notes. Shepard's Citations. Stewart's Citations. Thompson's Citations.
Oklahoma	Shepard's Citations.
Oregon	Oregon Citator. Shepard's Citations.
Pennsylvania	Shepard's Citations.
Rhode Island.....	Shepard's Citations.
South Carolina.....	Wetmore's Citations.
South Dakota	Notes on Reports. Shepard's Citations.
Tennessee	Shepard's Citations.
Texas	Herron's Citations. Rose's Notes. Shepard's Citations. The Citator.
Utah	Shepard's Citations.
Vermont	Horton's Citations.
Virginia	Hank's Annotations. Shepard's Citations.
Washington	Remington's Notes. Shepard's Citations. Washington Citator.
West Virginia.....	Shepard's Citations.
Wisconsin	Miller's Citations. Shepard's Citations. The Citator. Wing & Wattawa's Annotations.
United States.....	Ash's Federal Citations. Rose's Notes (U. S. Sup. Ct.). Shepard's Citations (Federal Reporter). Shepard's Citations (U. S. Sup. Ct.).

CHAPTER 6.

LIST OF DIGESTS.

(a) GENERAL DIGESTS.

AMERICAN DIGEST SYSTEM.

- (I) Century Digest.....1658-1896 (Incl.)
- (II) Decennial Digest.....1897-1906 (Incl.)
- (III) American Digest, Key-Number Series (Current)...1907 to date
- (IV) American Digest, Monthly Edition (Current),
Monthly Advance Sheets of the Key-Number Series.

(b) STATE DIGESTS.

ALABAMA.

	Period Covered.	Reports Digested.
Brickell, R. C.		
2 Vols.....	1820-1869	Minor Stewart 1-3 Stewart & Porter 1-5 Porter 1-9 Ala. 1-43
1 (Vol. 3).....	1870-1884	Ala. 44-76
Mayfield, James J.		
4 Vols.....	1820-1899	Minor Stewart 1-3 Stewart & Porter 1-5 Porter 1-9 Ala. 1-125
Parallel references to the Southern Reporter are added to citations of cases in all volumes of Mayfield's Digest.		
1 (Vol. 5).....	1899-1904	Ala. 125-140

ARIZONA.

Lewis, E. W.		
1 Vol. (Found in back of Vol. 10 Ariz.)	1866-1906	Ariz. 1-10
Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.		

ARKANSAS.

Rose, U. M.		
1 Vol.....	1837-1861	Ark. 1-23

ARKANSAS—Continued.

	Period Covered.	Reports Digested.
Oliphint, T. J. 2 Vols.	1862-1892	Ark. 24-54
Hopkins, R. D., and Morgan, E. R. 2 Vols.	1837-1885	Ark. 1-44
Crawford, T. D. 2 Vols.	1837-1896	Ark. 1-62
1 (Vol. 3).....	1896-1906	Ark. 63-77

CALIFORNIA.

Deering, James H. 3 Vols.	1850-1893	Cal. 1-100
Sims, R. M. 2 Vols.	1894-1904	Cal. 101-142
Parallel references to the Pacific Reporter and American State Reports are added to citations of all cases in this Digest.		
Green, Edmund S. 6 Vols.	1850-1907	Cal. Sup. 1-147 Cal. App. 1 Pacific Reporter (California Cases) 1-88
Parallel references to the Pacific Reporter, American Decisions, American Reports, American State Reports and Lawyers' Reports Annotated are added to citations of all cases in this Digest.		
Ballentine, James A. 1 (Vol. 7. Supplementing Green's Dig.)	1907-1910	Cal. Sup. 148-154 Cal. App. 2-9 Coffey's Probate Dec. 1-5
See note above.		
Martin, Geo. J. (Cumulative Quarterly Digest)	1912 to date	Cal. 159 to date Cal. App. 15 to date
See note above.		

COLORADO.

Morrison, R. S. 1 Vol.	1864-1899	Colo. Sup. 1-25 Colo. App. 1-13
Parallel references to the Pacific Reporter are added to all citations in Table of Cases Digested of this Digest.		
Also all Colorado cases reported on appeal in the "Federal Cases" Series, Federal Reporter vols. 1-100, United States Reports vols. 101-178 and Supreme Court Reporter vols. 1-21		

COLORADO—Continued.

Mills, J. Warner

2 Vols. 1861-1900

Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.

Reports Digested.

Colo. Sup. 1-27
Colo. App. 1-14
Pacific Reporter (Colorado Cases) 1-59

Also all Colorado cases reported on appeal in the "Federal Cases" Series, Federal Reporter vols. 1-97, United States Reports vols. 1-174 and Supreme Court Reporter vols. 1-19

1 (Vol. 3).....1900-1906

Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.

Colo. Sup. 27-33
Colo. App. 14-20

Also all Colorado cases reported on appeal in the Federal Reporter vols. 98-139, United States Reports vols. 175-204 and Supreme Court Reporter vols. 20-26

CONNECTICUT.

Baldwin, Simeon E.

1 Vol. 1784-1869

Kirby
Root 1, 2
Day 1-5
Conn. 1-35

Also Connecticut cases appealed to the Federal courts and reported in the "Federal Cases" Series

1 (Vol. 2).....1869-1880

Conn. 36-47

Also Connecticut cases appealed to the Federal courts and reported in the "Federal Cases" Series

Andrews, James P., and Fowler, George
B. (Index-Digest)

1 Vol. 1784-1893

Kirby
Root 1, 2
Day 1-5
Conn. 1-63

CONNECTICUT—Continued.

Baldwin, Simeon E. (Revision [Revised by Beers, George E.]	Period Covered.	Reports Digested.
2 Vols.	1784-1900	Kirby Root 1, 2 Day 1-5 Conn. 1-72, p. 480 Also Connecticut cases re- ported on appeal in the Federal Reporter, vols. 1-97

DAKOTA.

See North and South Dakota.

DELAWARE.

Ridgely, Henry		
1 Vol.	1814-1894	Harrington 1-5 Del. Ch. 1-5 Houston 1-6 Houston's Crim. Cas. 1

DISTRICT OF COLUMBIA.

Cogley, Thomas S. (Digest of Reports and Statutes)		
1 Vol.	1801-1891	1 Cranch C. C. to 19 D. C.
Maupin, Chapman W.		
1 Vol.	1801-1899	1 Cranch C. C. to 14 App. D. C.
Torbert, Wm. S. (Index-Digest)		
1 Vol.	1893-1908	App. D. C. 1-29

FLORIDA.

Choate, Chas. A.		
1 Vol.	1846-1888	Fla. 1-24
1 (Vol. 2).....	1889-1897	Fla. 25-39
Wurts, John (Index-Digest)		
1 Vol.	1846-1904	1 Fla. to 36 South.
Parallel references to the South- ern Reporter are added to ci- tations of all cases in this Di- gest.		

GEORGIA.

	Period Covered.	Reports Digested.
Bacon, A. O. 2 Vols.	1846-1870	Ga. 1-40
Harris, N. E. 1 Vol.	1870-1874	Ga. 41-50
Harris, N. E. (Index-Digest) 1 Vol.	1870-1878	Ga. 41-61
Van Epps, Howard (Index-Digest) 1 Vol.	1878-1888	Ga. 62-81
Van Epps, Howard, and Aikin, John W. (Index-Digest) 3 Vols.	1805-1897	T. U. P. Charlton R. M. Charlton Dudley Ga. Dec. Ga. 1-100

IDAHO.

Heyburn, Weldon B. (Laws and Decisions Annotated and Digested) 1 Vol.	1866-1900	Idaho 1, 2 Pacific Reporter (Idaho cases) 32-59
Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.		
Ailshie, James F., and Snow, Edwin 1 Vol.	1866-1907	Idaho 1-13
Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.		

ILLINOIS.

Guerin, M. Henry, Goss, Ferdinand, and Shrinkski, Israel (Index-Digest) 2 Vols.	1819-1901	Breese 1 Scammon 1-4 Gilman 1-5 Ill. Sup. 11-191 Ill. App. 1-96
Moore, Ira M. (Index-Digest) 2 Vols.	1819-1901	Breese 1 Scammon 1-4 Gilman 1-5 Ill. Sup. 11-190 Ill. App. 1-95

ILLINOIS—Continued.

Kinney	Period Covered.	Reports Digested.
7 Vols.	1819-1903	Breese 1 Scammon 1-4 Gilman 1-5 Ill. Sup. 11-200 Ill. App. 1-104
Volumes 4, 5, 6, and 7 are Supplemental.		
Parallel references to the Northeastern Reporter are added to citations of cases in vol. 7.		
Cyclopedic Digest, Annotated		
9 Vols.	1819-1902	Breese 1 Scammon 1-4 Gilman 1-5 Ill. Sup. 11-198 Ill. App. 1-102
2 (Vols. 10, 11)	1902-1907	Ill. Sup. 199-230 Ill. App. 103-130
Parallel references to the Northeastern Reporter are added to citations of all cases in this Digest.		
Callaghan & Co.		
4 Vols.	1819-1912	Ill. Sup. 1-250 Ill. App. 1-159
Parallel references to the Northeastern Reporter are added to citations of cases in this Digest.		

INDIANA.

Ripley, Warwick H.		
2 Vols.	1817-1881	Blackford 1-8 Ind. Sup. 1-73
Woollen, William Watson		
2 Vols.	1881-1895	Ind. Sup. 73-139, part of 140 Ind. App. 1-11, part of 12
Remy, Charles F.		
1 Vol.	1895-1902	Ind. Sup. 140-157 Ind. App. 12-27
Burns, Harrison		
2 Vols.	1817-1903	Blackford 1-8 Ind. Sup. 1-161 Ind. App. 1-31
Ewbank, Louis B.		
1 Vol.	1903-1906	Ind. Sup. 162-165 Ind. App. 32-35 with an appendix digesting late cases published in the Northeastern Reporter but not yet published in the official reports at the time of issuance of the Digest

INDIANA—Continued.

West Publishing Co.	Period Covered.	Reports Digested.
12 Vols.	1817-1910	Smith Wilson Blackf. 1-8 Ind. Sup. 1-172 Ind. App. 1-43 Northeastern Reporter (Indiana cases) 1-92, p. 480
Standard Classification, Key-numbered. Parallel references to the Northeastern Reporter, Lawyers' Reports Annotated, American Decisions, American Reports and American State Reports are added to citations of all cases in this Digest.		

INDIAN TERRITORY.

See Oklahoma.

IOWA.

McClain, Emlin		
2 Vols.	1839-1887	Morris Greene 1-4 Iowa 1-70
1 (Vol. 3).....	1887-1898	Iowa 71-104 Also Iowa cases in the Northwestern Reporter to and including vol. 75, which were not officially reported at the time of issuance of this Digest.
1 (Vol. 4).....	1898-1903	Iowa 106-117 Also Iowa cases in the Northwestern Reporter to and including vol. 95, which were not officially reported at the time of issuance of this Digest.
McClain, Emlin (New Digest)		
4 Vols.	1839-1908	Morris Greene 1-4 Iowa 1-134 Also Iowa cases in the Northwestern Reporter to and including vol. 114, which were not officially reported at the time of issuance of this Digest.
Parallel references to the Northwestern Reporter are added to citations of all cases in this Digest.		
Cyclopedic Digest, Annotated		
1 (Vol. 5 of McClain).....	1909-1911	
Parallel references to the Northwestern Reporter are added to citations of all cases in this Digest.		

KANSAS.

Valentine, Daniel M.

Period Covered.

Reports Digested.

2 Vols. 1854-1897

McCahon

Kan. Sup. 1-58, part of 59

Kan. App. 1-6

Dassler, C. F. W.

1 Vol. 1854-1901

Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.

Kan. Sup. 1-62

Kan. App. 1-10

Also all Kansas cases reported on appeal in the Federal and United States Supreme Court Reporters during the period covered by the Digest.

1 Vol. (Supp.) 1901-1905

Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.

Kan. Sup. 63-70

Also all Kansas cases reported on appeal in the Federal and United States Supreme Court Reporters during the period covered by the Digest.

West Publishing Co.

5 Vols. 1854-1908

Standard classification, Key-numbered.

Parallel references to the Pacific Reporter, American Decisions, American Reports, American State Reports, and Lawyers' Reports Annotated are added to citations of all cases in this Digest.

McCahon

Kan. Sup. 1-77

Kan. App. 1-10

Pacific Reporter (Kansas cases) 1-94, p. 256

Also all Kansas cases reported on appeal in the Federal and United States Supreme Court Reporters.

KENTUCKY.

Barbour, J.

2 Vols. 1785-1878

Hughes

Sneed

Hardin

Bibb 1-4

A. K. Marshall 1-3

Littell 1-5

Littell's Select Cases

T. B. Monroe 1-7

J. J. Marshall 1-7

Dana 1-9

B. Monroe 1-18

Metcalf 1-4

Duvall 1, 2

Bush 1-12, part of 13

KENTUCKY—Continued.

Barbour, J.—Cont'd.	Period Covered.	Reports Digested.
2 (Vols. 3, 4)	1878-1896	Bush 13, 14 Ky. 78-96 Ky. Law Rep. 1-16
Caldwell, Frederick P.		
2 (Vols. 5, 6. Supplementing Barbour's Digest.)	1895-1902	Ky. 97-105 Ky. Law Rep. 17-22, part of 23
Parallel references to the Southwestern Reporter and Lawyers' Reports Annotated are added to citations of all cases in this Digest.		
West Publishing Co.		
5 Vols.	1785-1904	Ky. 1-117, part of 118 Ky. Law Rep. 1-25, part of 26 Southwestern Reporter (Kentucky cases) 1-80
Standard classification. Parallel references to the Southwestern Reporter, American Decisions, American Reports, American State Reports, and Lawyers' Reports Annotated are added to citations of all cases in this Digest.		
2 (Vols. 6, 7).....	1904-1911	Ky. 119-142, parts of 118 and 143
Standard classification, Key-numbered. Parallel references to the Southwestern Reporter, American Decisions, American Reports, American State Reports, and Lawyers' Reports Annotated are added to citations of all cases in this Digest.		
Bobbs-Merrill Co. (Cumulative Digest)		
1 Vol.	1904-1908	Ky. 119-142, part of 118 S. W. 81-112
Standard classification. Parallel references to the Southwestern Reporter are added to citations of all cases in this Digest.		
1 (Vol. 2).....	1908-1911	Ky. 125-145 Ky. Opin. 1-7 S. W. 113-139
Standard classification, Key-numbered. Parallel references to the Southwestern Reporter are added to citations of all cases in this Digest.		

LOUISIANA.

Hennen, William D.

2 Vols.	1809-1860	Martin (O. S.) 1-12 Martin (N. S.) 1-8 La. 1-19 Rob. 1-12 La. Ann. 1-14
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LOUISIANA—Continued.

	Period Covered.	Reports Digested.
Louque, Charles		
1 Vol.	1860-1878	La. Ann. 15-30, p. 800 Also Louisiana cases reported on appeal in the United States Supreme Court Reports and the "Federal Cases" Series.
Taylor, James F.		
1 Vol.	1878-1888	La. Ann. 30, p. 800, to 40, p. 718
Breaux, Joseph A.		
1 Vol.	1888-1900	La. Ann. 40-52 Also Louisiana cases reported on appeal in the United States Supreme Court Reports and Federal Reporter.
Roehl, Theodore		
2 Vols.	1900-1910	La. 104-125
Knobloch, Arthur F. (Criminal Digest)		
1 Vol.	1809-1887	Martin (O. S.) 1-12 Martin (N. S.) 1-8 La. 1-19 Rob. 1-12 La. Ann. 1-39 Manning's Unrep. Cas.

MAINE.

Plaisted, Harris M., and Appleton, Frederick H.		
1 Vol.	1820-1878	Me. 1-68
Coffin, Edward P.		
1 Vol.	1879-1889	Me. 69-81
Savage, Albert R. (Index-Digest)		
1 Vol.	1820-1896	Me. 1-88
1 Vol. (Supp.).....	1896-1908	Me. 89-103

MARYLAND.

Norris, William H., Brown, George William, and Brune, Frederick Wm.		
1 Vol.	1658-1842	Harris & McHenry 1-4 Harris & Gill 1, 2 Harris & Johnson 1-7 Gill & Johnson 1-12 Bland's Chancery 1-3

MARYLAND—Continued.

Stockett, J. Shaaff, Merrick, Richard T., and Miller, Oliver		
1 Vol.	Period Covered. 1843-1855	Reports Digested. Gill 1-9 Md. 1-8 Md. Ch. Dec. 1-4
Cohen, J. I., and Lee, James Fenner		
1 Vol.	1856-1863	Md. 9-20
Burgwyn, Wm. H. S.		
1 Vol.	1863-1876	Md. 21-45
Ringgold, James T. (Index-Digest)		
1 Vol.	1658-1883	Harris & McHenry 1-4 Harris & Gill 1, 2 Harris & Johnson 1-7 Gill & Johnson 1-12 Gill 1-9 Bland's Chancery 1-3 Md. Ch. Dec. 1-4 Md. 1-61
Brantly, William T.		
2 Vols.	1658-1893	Harris & McHenry 1-4 Harris & Gill 1, 2 Harris & Johnson 1-7 Gill & Johnson 1-12 Gill 1-9 Bland's Chancery 1-3 Md. Ch. Dec. 1-4 Md. 1-76
1 Vol. (Supp.).....	1893-1898	Md. 77-88
1 Vol. (Supp.).....	1899-1907	Md. 89-105

MASSACHUSETTS.

Throop, Montgomery H.		
2 Vols.	1804-1886	Mass. 1-17 Pickering 1-24 Metcalf 1-13 Cushing 1-12 Gray 1-16 Allen 1-14 Mass. 97-141
Cumming, Robert C.		
1 (Vol. 3, Supplementing Throop's Digest)	1886-1902	Mass. 142-180
Cumming, Robert C.		
1 (Vol. 4, Supplementing Throop's Digest)	1901-1906	Mass. 178-190

MASSACHUSETTS—Continued.

West Publishing Co. and Little, Brown
& Co.

	Period Covered.	Reports Digested.
8 Vols.	1761-1905	Mass. 1-189 Dane's Abridgment Quincy Also Massachusetts cases reported on appeal in the United States Reports and the Supreme Court Reporter.
Standard classification. Parallel references to the North- eastern Reporter, American Decisions, American Reports, American State Reports, and Lawyers' Reports Annotated are added to citations of all cases in this Digest.		

MICHIGAN.

Jacobs, Albert P., and Chaney, Henry A.

2 Vols.	1836-1888	Walker Ch. Harrington Ch. Douglass, 1, 2 Mich. 1-71
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Jacobs, Albert P.

1 (Vol. 3. Supplementing Jacobs & Chaney's Digest)	1889-1893	Mich. 71-97
1 (Vol. 4. Second Supplement to Jacobs & Chaney's Digest).....	1893-1898	Mich. 97-117

West Publishing Co.

6 Vols.	1842-1907	Howell, N. P. 1 Mich. N. P. 1, 2 Walker Ch. 1 Harrington Ch. 1 Douglass 1, 2 Mich. 1-148, part of 149 Also Michigan cases re- ported on appeal in the United States Reports and Supreme Court Re- porter.
Standard classification, Key- numbered. Parallel references to the North- western Reporter, American Decisions, American Reports, American State Reports, Law- yers' Reports Annotated, and Detroit Legal News are added to citations of all cases in this Digest.		

Bobbs-Merrill Co. (Cumulative Digest)

1 Vol.	1907-1912	Mich. 149-168
Standard classification, Key- numbered. Parallel references to the North- western Reporter and Detroit Legal News are added to cita- tions of all cases in this Digest.		

Callaghan & Co. (Cumulative Digest)

1 Vol.	1907-1911	Mich. 149-162
Parallel references to North- western Reporter are added to citations of all cases in this Di- gest.		

MINNESOTA.

West Publishing Co.	Period Covered.	Reports Digested.
2 Vols.	1851-1892	Minn. 1-47 Northwestern Reporter (Minnesota cases) 1-51
Parallel references to the North- western Reporter are added to citations of all cases in this Digest.		
1 (Vol. 3).....	1892-1898	Minn. 48-67 Northwestern Reporter (Minnesota cases) 51-73
Parallel references to the North- western Reporter are added to citations of all cases in this Digest.		
1 (Vol. 4).....	1898-1904	Minn. 68-88 Northwestern Reporter (Minnesota cases) 74-97
Parallel references to the North- western Reporter are added to citations of all cases in this Digest.		
Dunnell, Mark B.		
3 Vols.	1851-1910	Minn. 1-109
Parallel references to the North- western Reporter are added to citations of all cases in this Di- gest.		
1 Vol. (Supp.).....	1910-1912	Minn. 110-117
Parallel references to the North- western Reporter are added to citations of all cases in this Digest.		

MISSISSIPPI.

George, James Z.		
1 Vol.	1818-1870	Walker 1 Howard 1-7 Smedes & Marshall 1-14 Cushman 1-7 George 1-10 Miss. 40-44
Andrews, Garnett		
1 Vol.	1871-1879	Miss. 45-56
Heidelberg, Daniel W.		
1 Vol.	1871-1887	Miss. 45-64
Brame, L., and Alexander, C. H.		
2 Vols.	1871-1896	Miss. 45-73
Bobbs-Merrill Co.		
4 Vols.	To Sept. 2, 1911	
Standard classification, Key- numbered.		
Parallel references to the South- ern Reporter, American Deci- sions, American Reports, Amer- ican State Reports, and Law- yer's Reports Annotated are added to citations of all cases in this Digest.		

MISSOURI.

Pattison, Everett W.	Period Covered.	Reports Digested.
Parallel references to Southwestern Reporter are added to citations in all volumes of Pattison's Digest.		
4 Vols.	1821-1897	Mo. Sup. 1-137 Mo. App. 1-69
1 (Vol. 5).....	1896-1899	Mo. Sup. 138-153 Mo. App. 70-80
1 (Vol. 6).....	1899-1902	Mo. Sup. 154-168 Mo. App. 81-94
1 (Vol. 7).....	1902-1905	Mo. Sup. 169-185 Mo. App. 95-108
1 (Vol. 8).....	1904-1907	Mo. Sup. 186-200 Mo. App. 109-122
1 (Vol. 9).....	1906-1909	Mo. Sup. 201-218 Mo. App. 123-135
West Publishing Co.		
11 Vols.	1821-1904	Mo. Sup. 1-183, part of 184 Mo. App. 1-107, part of 108 and 109 Southwestern Reporter (Missouri cases) 1-82
Standard classification.		
Parallel references to the Southwestern Reporter, American Decisions, American Reports, American State Reports, and Lawyers' Reports Annotated are added to citations of all cases in this Digest.		
2 (Vols. 12, 13).....	1904-1908	Mo. Sup. 184-213, part of 214 Mo. App. 108-132, part of 133, 134 Southwestern Reporter (Missouri cases) 82-112
Standard classification, Key-numbered.		
Parallel references to the Southwestern Reporter, American State Reports, and Lawyers' Reports Annotated are added to citations of all cases in this Digest.		
2 (Vols. 14, 15).....	1908-1912	Mo. Sup. 215-237, part of 114 Mo. App. 135-158, part of 133, 134, 159 Southwestern Reporter (Missouri cases) 113-141
Standard classification, Key-numbered.		
Parallel references to the Southwestern Reporter, American State Reports, and Lawyers' Reports Annotated are added to citations of all cases in this Digest.		

MONTANA.

Bishop, E. L.	1868-1898	Mont. 1-21
Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.		

MONTANA—Continued.

Church, W. S.	Period Covered.	Reports Digested.
1 Vol.	1868-1895	Mont. 1-15
	1853-1895	Or. 1-26
	1854-1895	Wash. Ter. 1-3
		Wash. 1-13
1 (Vol. 2).....	1895-1898	Mont. 16-21
		Or. 27-32
		Wash. 11-19
Mapes, Thomas A.		
1 Vol.	1868-1905	Mont. 1-32
Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.		

NEBRASKA.

Nelson, William T.		
1 Vol.	1854-1891	Neb. 1-31, part of 32 and 33
Parallel references to the Northwestern Reporter are added to citations of all cases in this Digest.		Northwestern Reporter (Nebraska cases) 1-49
1 (Vol. 2).....	1891-1897	Neb. 33-50
Parallel references to the Northwestern Reporter are added to citations of all cases in this Digest.		Northwestern Reporter (Nebraska cases) 50-69
Page, E. C.		
2 Vols.	1854-1900	Neb. 1-60
Parallel references to the Northwestern Reporter, American Reports and American State Reports are added to citations of all cases in this Digest.		
Broadly, J. H., and Haggard, D. A.		
3 Vols.	1854-1908	Neb. 1-80
Parallel references to Northwestern Reporter added to citations of all cases in this Digest.		Neb. (Unof.) 1-5

NEVADA.

Hawley, Thomas P. (Nevada & Sawyer Digest)		
1 Vol.	1865-1877	Nev. 1-12
Also Nevada cases reported on appeal in Sawyer's United States Circuit Court Reports and in the "Federal Cases" Series.		
Lawson, John D.		
1 Vol.	1865-1890	Nev. 1-20

NEVADA—Continued.

Patrick, Edward T.

Period Covered.

Reports Digested.

1 Vol. 1865-1910

Nev. 1-32

Parallel references to the Pacific Reporter, American Decisions, American Reports, American State Reports, and Lawyers' Reports Annotated are added to citations of all cases in this Digest.

Also Nevada cases reported on appeal in Sawyer's United States Circuit Court Reports and in the Federal Reporter, vols. 1-189

NEW HAMPSHIRE.

Morrison, Charles R.

1 Vol. 1816-1865

N. H. 1-45

Morrison, Charles R.

1 Vol. 1803-1888

Smith 1
N. H. 1-64

NEW JERSEY.

Stewart, John H.

2 Vols. 1790-1876

Beasley 1, 2
C. E. Green 1-12
Coxe 1
Dutcher 1-5
J. S. Green 1-3
H. W. Green 1-3
Halsted 1-7
Halsted Eq. 1-4
Harrison 1-4
McCarter 1, 2
Pennington, 1, 2
Saxton 1
Southard 1, 2
Spencer 1
Stockton 1-3
Vroom 1-9
Zabriskie 1-4

Also New Jersey cases reported on appeal in the "Federal Cases" Series and the Federal Reporter.

1 (Vol. 3).....1876-1887

Vroom 10-19
Stewart 1-14
N. J. Law J. 1-9
Also New Jersey cases reported on appeal in the "Federal Cases" Series and the Federal Reporter.

NEW JERSEY—Continued.

Wall, Albert C.

Period Covered.

Reports Digested.

1 Vol. (Supplementing Stewart's Digest) 1887-1898

Vroom 20-30
 Stewart 15-18
 Dickinson 1-9
 N. J. Law J. 10-20
 Also New Jersey cases reported on appeal in the "Federal Cases" Series and the Federal Reporter.

Mackay, John S., and Newman, Clifford L.

1 Vol. 1898-1907

Vroom 31-43
 Dickinson 10-21
 Robbins 1-3
 N. J. Law J. 21-29

New Jersey Digest Annotated (General Editor, Parker, Charles W.)

7 Vols. 1790-1907

Standard classification.
 Parallel references to the Atlantic Reporter, American Decisions, American Reports, American State Reports, and Lawyers' Reports Annotated are added to citations of all cases in this Digest.

N. J. Law 1-73
 N. J. Eq. 1-70
 N. J. Law J. 1-29
 Atlantic Reporter (New Jersey cases) 1-66

NEW MEXICO.

Money, Geo. P.

1 Vol. 1852-1899

Parallel references to the Pacific Reporter are added to citations of cases in Table of Cases Digested.

N. M. 1-9

Derden, James

1 Vol. 1852-1908

Parallel references to the Pacific Reporter are added to the citations of all cases in this Digest.

N. M. 1-14
 Pacific Reporter (New Mexico cases) 1-106

NEW YORK.

Brightly, Frank F.

7 Vols. 1794-1906

All courts

Campbell, Colin P. (Index-Digest)

2 Vols. 1847-1912

Parallel references to the Northeastern Reporter are added to citations in Table of Cases Digested.

N. Y. 1-205
 Keyes 1-4
 Abbott's Appeal Decisions 1-4
 Transcript Appeals 1-7
 Silvernail 1-4
 Howard's Appeal Cases 1
 Selden's Notes 1

NEW YORK—Continued.

Danforth, H. G., and Wickes, Robert B.

(Court of Appeals)

	Period Covered.	Reports Digested.
4 Vols.	1847-1903	N. Y. 1-175

Digest of New York Chancery Reports

1 Vol.	1814-1847	Johnson 1-7 Hopkins 1 Paige 1-11 Barbour 1-3 Chancery Sentinel 1-6 Edwards 1-4 Hoffman 1 Clarke 1 Sandford 1-4
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Abbott's Cyclopedic Digest

14 Vols.	1794-1900	All courts
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Parallel references to the New York Supplement are added to citations of all cases in this Digest.

2 (Vols. 15, 16).....	1900-1905	All courts
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Parallel references to the New York Supplement are added to citations of all cases in this Digest.

2 (Vols. 17, 18).....	1905-1910	All courts
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Parallel references to the North-eastern Reporter and New York Supplement are added to citations of all cases in this Digest.

Danforth, Henry G. (Supreme Court Reports)

1869-1902	Lansing 1-7 Thompson & Cook 1-6 Hun 1-92 App. Div. 1-64 New York State Reporter 1-105 New York Supp. 1-71 Silvernail's Sup. Ct. 1-5 Silvernail's Ct. App. 1-4
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NORTH CAROLINA.

Battle, William H.

2 Vols. (Law cases).....	1797-1866	Martin 1, 2 Haywood 1, 2 Conference Rep. 1 Carolina Law Repository 1, 2 Taylor 1
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(Continued on following page).

NORTH CAROLINA—Continued.

Battle, William H.—Cont'd.

Period Covered.

Reports Digested.

	N. C. Term Rep. 1
	Murphey 1-3
	Hawks 1-4
	Devereux 1-4
	Devereux & Battle 1-4
	Iredell 1-13
	Busbee 1
	Jones 1-8
	Winston 1, 2
1 (Vol. 3, Equity cases.).....1797-1866	Martin 1, 2
	Haywood 1, 2
	Taylor 1
	Conference Rep. 1
	Carolina Law Repository 1, 2
	N. C. Term Rep. 1
	Murphey 1-3
	Hawks 1-4
	Devereux 1, 2
	Devereux & Battle 1, 2
	Iredell 1-8
	Busbee 1
	Jones 1-6
	Winston 1
1 (Vol. 4).....1868-1874	Phillips' Law 1
	Phillips' Eq. 1
	N. C. 63-70

Bailey, W. H.

1 (Vol. 5, Supplementing Battle's Digest) 1874-1878	N. C. 71-79
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Womack, Thomas B.

2 Vols. 1866-1891	Phillips' Law 1
Parallel references to the South- eastern Reporter are added to citations of all cases in this Di- gest.	Phillips' Eq. 1
	N. C. 63-108
1 (Vol. 3. Index-Digest).....1891-1897	N. C. 109-121
1 (Vol. 4. Index-Digest).....1898-1905	N. C. 122-138

NORTH DAKOTA.

Tilton, H. G. (Index-Digest)

1 Vol. 1867-1900	Dak. 1-6
Parallel references to the North- western Reporter are added to citations of all cases in this Di- gest.	N. D. 1-9
	S. D. 1-13
	Northwestern Reporter (Dakota Territory and North and South Dakota cases) 1-83

NORTH DAKOTA—Continued.

Hill, Joseph H.

Period Covered.

Reports Digested.

1 Vol. 1867-1903

Parallel references to the North-western Reporter and Lawyers' Reports Annotated are added to citations of all cases in this Digest.

Dak. 1-6

N. D. 1-11

S. D. 1-15

Northwestern Reporter
(Dakota Territory and
North and South Dakota
cases) 1-93

Also all Dakota Territory
and North and South
Dakota cases appealed to
the United States Su-
preme and Federal
courts during the period
covered by the Digest.

1 (Vol. 2).....1903-1911

Parallel references to the North-western Reporter, American State Reports, Lawyers' Reports Annotated and American & English Annotated Cases are added to citations of all cases in this Digest.

N. D. 12-18

S. D. 16-23

N. W. 94-130

Also North and South Da-
kota cases reported on
appeal in Federal Re-
porter, to vol. 184

OHIO.

McVey, A. H.

2 Vols. 1816-1874

Tappan

Wright

Handy 1, 2

Disney 1, 2

Cincinnati Superior Court
Reports 1, 2

Ohio 1-20

Ohio St. 1-24

Also Ohio cases reported
in the Western Law
Journal, Weekly Law
Gazette, American Law
Record, and Cleveland
Law Record.

Bates, Clement

1 (Vol. 3, Supplementing McVey's
Digest) 1875-1882

Ohio St. 25-37

Also Ohio cases reported
in the American Law
Record, Cleveland Law
Reporter, and Weekly
Law Bulletin.

OHIO—Continued.

Bates, Clement—Cont'd.

	Period Covered.	Reports Digested.
1 (Vol. 4).....	1882-1890	Ohio St. 38-46, part of 47 Ohio Circuit Court Reports 1-4 Goebel's Probate Reports Also Ohio cases reported in Weekly Law Bulletin.

Bates, Clement (Complete Ohio Digest)

2 Vols.	1816-1895	Tappan Wright Handy 1, 2 Disney 1, 2 Cincinnati Superior Court Reports 1, 2 Ohio 1-20 Ohio St. 1-52 Ohio Circuit Court Reports 1-9 Also Ohio cases reported in the Western Law Journal, Western Law Monthly, American Law Record, Weekly Law Bulletin, and Weekly Law Gazette.
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1 (Vol. 3).....	1895-1900	Ohio St. 53-62, part of 63 Ohio Circuit Court Reports 10-20 Ohio Circuit Decisions 1-10 Nisi Prius 1-7, part of 8 Ohio Superior and Common Pleas Decisions 1-9, part of 10 Dayton's Term Reports Also Ohio cases reported in the Weekly Law Gazette, Warden's Law and Bank Bulletin, Cleveland Law Register, and Cleveland Law Reporter.
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Everett, Charles E.

1 (Vol. 4, Supplementing Bates' Digest)	1900-1904	Ohio St. 64-70, part of 63 Ohio Circuit Court Reports 21, 22 Ohio Circuit Court Reports (N. S.) 1-4, part of 5
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(Continued on following page).

OHIO—Continued.

Everett, Charles E.—Cont'd.

Period Covered.**Reports Digested.**

Ohio Circuit Decisions 11-15, part of 16
 Nisi Prius, part of 8
 Nisi Prius (N. S.) 1, part of 2
 Ohio Superior and Common Pleas Decisions 11-14, part of 10

Laning Publishing Co. (Cyclopedic Digest)

8 Vols. 1802-1905

All courts.

Parallel references to the North-eastern Reporter, American Decisions, American Reports, American State Reports and Lawyers' Reports Annotated are added to citations of all cases in this Digest and Supplement listed below.

1 Vol. (Supplement)..... 1905-1907
 See above.

All courts.

Michie Co. (Encyclopedic Digest)

14 Vols. 1802-1904

All courts.

Parallel references to the North-eastern Reporter are added to citations of all cases in this Digest and Supplement.

1 Vol. (Supplement)..... 1905-1908
 See above.

All courts.

1 Vol. (Supplement)..... 1909-1911

All courts.

OKLAHOMA.

West Publishing Co.

2 Vols. 1890-1907

Okl. 1-19

Standard classification, Key-numbered.

Ind. Ter. 1-7

Parallel references to the Pacific and Southwestern Reporters, American Decisions, American Reports, American State Reports, and Lawyers' Reports Annotated are added to citations of all cases in this Digest.

Pacific Reporter (Oklahoma cases) 1-92

Southwestern Reporter (Indian Territory cases) 1-104

Also all Oklahoma and Indian Territory cases which have been appealed to the United States Supreme Court and United States Circuit Court of Appeals and reported down to and including vol. 206 U. S. Reports, 27 Supreme Court Reporter, 155 Federal, and 84 C. C. A.

OKLAHOMA—Continued.

Bobbs-Merrill Co. (Cumulative Digest)		Period Covered.	Reports Digested.
1 Vol.	Standard classification, Key-numbered. Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.	1907-1910	Okl. 19-24 Okl. Cr. 1, 2 Pacific Reporter (Oklahoma cases) 93-109
Gray, Henry M.			
1 Vol.	Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.	1890-1911	To 115 Pacific Reporter, inclusive.
Crawford, T. D.			
3 Vols.	Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.	1890-1912	Okl. 1-32 Okl. Cr. 1-7 Ind. Ter. 1-7

OREGON.

Carey, Charles H. (Index-Digest)			
1 Vol.		1853-1887 1854-1885	Or. 1-14 Wash. Ter. 1, 2
Church, W. S.			
1 Vol.		1853-1895 1868-1895 1854-1895	Or. 1-26 Mont. 1-15 Wash. Ter. 1-3 Wash. 1-13
1 (Vol. 2).....	Parallel references to the Pacific Reporter are added to citations of all cases in Table of Cases Digested for this Digest.	1895-1898	Or. 27-32 Mont. 16-21 Wash. 11-19
Parker, W. H. (Index-Digest)			
1 Vol.	Parallel references to the Pacific Reporter are added to citations of all cases in Table of Cases Digested.	1853-1899	Or. 1-35
Montague, Richard Ward			
1 Vol.	Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.	1853-1903	Or. 1-43
Benson, Arthur S., and King, Effie Mae			
1 Vol.	Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.	1903-1909	Or. 44-54

PENNSYLVANIA.

Brightly, Frederick C.

Period Covered.**Reports Digested.**

2 Vols. 1754-1877

Pa. 1-83

Addison 1

Binney 1-6

Brightly's Nisi Prius

Dallas 1-4

Grant's Cases 1-3

Penrose & Watts 1-3

Rawle 1-5

Sergeant & Rawle 1-17

Watts 1-10

Watts & Sergeant 1-9

Wharton 1-6

Yeates 1-4

Miscellaneous Lower Court
Reports, sometimes call-
ed "Pennsylvania Side
Reports."

Brightly, Frank F.

2 (Vol. 3, Supplementing Frederick

Brightly's Digest) 1877-1889

Pa. 84-124

Walker 1

Miscellaneous Lower Court
Reports, sometimes call-
ed "Pennsylvania Side
Reports."

2 (Vol. 4).....1889-1895

Pa. 124 to 170, p. 240

Atlantic Reporter (Penn-
sylvania cases) 1-17Miscellaneous Lower Court
Reports, sometimes call-
ed "Pennsylvania Side
Reports."

Vale, Ruby R.

1 (Vol. 5, Supplementing Brightly's

Digest) 1895-1903

Pa. 170, p. 240, to 205, p.
439.Miscellaneous Lower Court
Reports, sometimes call-
ed "Pennsylvania Side
Reports."Pepper, George Wharton, and Lewis,
William Draper

23 Vols. 1754-1898

Pa. 1-183

Addison 1

Binney 1-6

Brightly's Nisi Prius 1

Dallas 1-4

Grant's Cases 1-3

Penrose & Watts 1-3

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PENNSYLVANIA—Continued.

Pepper, George Wharton, and Lewis,
William Draper—Cont'd.

Period Covered.

Reports Digested.

		Rawle 1-5
		Sergeant & Rawle 1-17
		Walker 1-3
		Watts 1-10
		Watts & Sergeant 1-9
		Wharton 1-6
		Yeates 1-4
		Miscellaneous Lower Court Reports, sometimes call- ed "Pennsylvania Side Reports."
2 (Vols. 1, 2, Cross-Reference An- nuals)	1898-1906	Pa. 184 to 213, p. 123 Miscellaneous Lower Court Reports, sometimes call- ed "Pennsylvania Side Reports."
2 (Vols. 3, 4, Cross-Reference An- nuals)	1906-1908	Pa. 213, p. 123, to 222, p. 340 Miscellaneous Lower Court Reports, sometimes call- ed "Pennsylvania Side Reports."

RHODE ISLAND.

Stiness, Edward C.

1 Vol.	1828-1898	R. I. 1-20
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Anonymous

1 Vol.	1898-1905	R. I. 21-26
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SOUTH CAROLINA.

Chisolm, J. Bachman, and Hyde, Simeon

Law.

2 Vols.	1783-1881	Bay 1, 2
		Brevard 1-3
		Treadway 1, 2
		Mill, Constitutional, 1, 2
		Nott & McCord 1, 2
		McCord 1-4
		Harper 1
		Bailey 1, 2
		Hill 1-3

(Continued on following page).

SOUTH CAROLINA—Continued.

Chisolm, J. Bachman, and Hyde, Simeon

—Cont'd.

Period Covered.

Reports Digested.

Riley 1
 Dudley 1
 Rice 1
 Cheves 1
 McMullan 1, 2
 Speers 1, 2
 Strobbhart 1-5
 Richardson 1-15
 S. C. 1-14

Equity.

Richardson 1-14
 Desaussure 1-4
 Harper 1
 McCord 1, 2
 Bailey 1
 Richardson's Equity Cases 1
 Hill 1, 2
 Riley 1
 Dudley 1
 Rice 1
 Cheves 1
 McMullan 1
 Speers 1
 Strobbhart 1-4

Thomas, John P.

1 Vol. 1877-1885 S. C. 11-24

Moorman, Thomas S.

1 Vol. 1885-1894 S. C. 25-42

Efird, C. M.

1 Vol. 1894-1901 S. C. 43-60

Ramage, C. J.

1 Vol. 1901-1908 S. C. 61-80

SOUTH DAKOTA.

Tilton, H. G. (Index-Digest)

1 Vol. 1867-1900

Parallel references to the North-western Reporter are added to citations of all cases in this Digest.

Dak. 1-6
 N. D. 1-9
 S. D. 1-13
 Northwestern Reporter
 (Dakota Territory, and
 North and South Dakota
 cases) 1-83

SOUTH DAKOTA—Continued.

Hill, Joseph H.

1 Vol. 1867-1903

Parallel references to the North-western Reporter and Lawyers' Reports Annotated are added to citations of all cases in this Digest.

Reports Digested.

Dak. 1-6
N. D. 1-11
S. D. 1-15
Northwestern Reporter (Dakota Territory, North and South Dakota Cases) 1-93
Also all Dakota Territory and North and South Dakota cases appealed to the United States Supreme and Federal courts during the period covered by the Digest.

1 (Vol. 2).....1903-1911

Parallel references to the North-western Reporter, American State Reports, Lawyers' Reports Annotated, and American & English Annotated Cases are added to citations of all cases in this Digest.

N. D. 12-18
S. D. 16-23
N. W. 94-130
Also North and South Dakota cases reported on appeal in Federal Reporter, to vol. 184

TENNESSEE.

Taylor, Lytton (Index-Digest)

1 Vol. 1791-1886

Tenn. 1-84
Cooper's Ch. 1-3

Webb & Meig (by Webb, James Avery)

3 Vols. 1791-1899

Tenn. 1-100
Cooper's Ch. 1-3
Thompson's Tenn. Cases
Shannon's Tenn. Cases 1-3

Wheless

1 (Vol. 4 of Meig's).....1898-1909

Parallel references to the South-western Reporter are added to citations of all cases in this Digest.

Tenn. 101-122

TEXAS.

Myer, William G.

2 Vols. 1840-1880

Dallam
Tex. Sup. 1-51 and Supp. to vol. 25
Tex. App. 1-7

Posey, S. A. (Civil Digest)

1 Vol. 1879-1886

Tex. Sup. 52-65
White & Willson's Civ. Cas. 1
Willson's Civ. Cas. 3 (vols. 2-4)
Posey's Unrep. Cas. 1, 2

TEXAS—Continued.

Sayles, John (Civil Digest)

Period Covered.

3 Vols. 1879-1895

Reports Digested.

Tex. Sup. 52-87, p. 200
 White & Willson's Civ.
 Cas. 1
 Willson's Civ. Cas. 3 (vols.
 2-4)
 Posey's Unrep. Cas. 1, 2
 Tex. Civ. App. 1-6
 Also all Texas cases re-
 ported in the Southwest-
 ern Reporter, vols. 1-27,
 but not in the official re-
 ports.

Supplement. Found in back of vol.

3, Sayles' Civil Digest..... 1895-1899

Tex. Sup. 87-92

Parallel references to the South-
 western Reporter are added to
 citations of all cases in this Di-
 gest.

Buckler, C. N. (Civil Digest, revised by
Batts, R. L.)

2 Vols. 1840-1898

Parallel references to the South-
 western Reporter are added to
 citations of all cases in this Di-
 gest.

Dallam
 Tex. Sup. 1-91 and Supp.
 to vol. 25
 White & Willson's Civ.
 Cas. 1
 Willson's Civ. Cas. 3 (vols.
 2-4)
 Tex. Civ. App. 1-15
 Posey's Unrep. Cas. 1, 2

Michie Co., Encyclopedic Digest (Civil
Cases)

17 Vols. 1840-1910

Parallel references to the South-
 western Reporter are added to
 citations of all cases in this
 Digest.

Tex. Sup. 1-102
 White & Willson's Civ.
 Cas. 1
 Willson's Civ. Cas. 3 (vols.
 2-4)
 Posey's Unrep. Cas. 1, 2
 Tex. Civ. App. 1-49

Posey, S. A. (Criminal Digest)

1 Vol. 1846-1886

Tex. App. 1-20
 Tex. Sup. 1-45 (Criminal
 cases only)

Buckler, C. N. (Criminal Digest)

1 Vol. 1846-1900

Parallel references to the South-
 western Reporter are added to
 citations of all cases in this Di-
 gest.

Tex. Sup. 1-45 (Criminal
 cases only)
 Tex. Cr. R. 1-39
 Also all Texas Criminal
 cases reported in the
 Southwestern Reporter,
 vols. 1-57 but not in the
 Texas Criminal Reports.

TEXAS—Continued.

Peticolas, A. B., and Vandenberg, J. V.
(Criminal Digest)

	Period Covered.	Reports Digested.
1 Vol.	1876-1893	Tex. Cr. R. 1-32
1 Vol. (Supp.).....	1894-1901	Tex. Cr. R. 33-40

Michie Co., Encyclopedic Digest (Criminal Cases)

3 Vols., continuing.....	1840-1912	All Texas criminal case law up to 60 Tex. Cr. R. and 140 Southwestern Reporter, inclusive
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Parallel references to the Southwestern Reporter are added to citations of all cases in this Digest.

Green, Edmund Samson

5 Vols.	1840-1903	Dallam Tex. Sup. 1-95 and Supp. to vol. 25 White & Willson's Civ. Cas. 1. Willson's Civ. Cas. 3 (vols. 2-4) Posey's Unrep Cas. 1, 2 Tex. Cr. R. 1-40 Tex. Civ. App. 1-28 Also Texas cases (many not reported in the official reports) in the Southwestern Reporter, vols. 1-75
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Parallel references to the Southwestern Reporter, American Decisions, American Reports, American State Reports and Rose's Notes are added to citations of all cases in this Digest.

Reese, R. A.

3 Vols.		Tex. Sup. 92-101 Tex. Civ. App. 16-47 Tex. Cr. R. 41-55
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Parallel references to the Southwestern Reporter are added to citations of all cases in this Digest.

UTAH.

Kinney, Clesson S. (Index-Digest)

1 Vol.	1873-1903	Utah 1-25 Pacific Reporter (Utah cases) 1-70 Also all Utah cases appealed to the United States Supreme Court during the period covered by the Digest.
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Rumsey, Judson S.

1 Vol.	1873-1910	Utah 1-36
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Parallel references to the Pacific Reporter are added to citations of cases in this Digest.

VERMONT.

Roberts, Daniel	Period Covered.	Reports Digested.
1 Vol.	1789-1905	N. Chipman Tyler, 1, 2 Brayton D. Chipman 1, 2 Aikens 1, 2 Vt. 1-77 Also such Vermont cases appealed to the United States courts as are re- ported in the Vermont Reports.
West Publishing Co.		
3 Vols.	1789-1910	N. Chipman Tyler 1, 2 Brayton D. Chipman 1, 2 Aikens 1, 2 Vt. 1-83 Also such Vermont cases appealed to the United States courts as are re- ported in the Vermont Reports.
Standard classification, Key- numbered. Parallel references to the Atlan- tic Reporter, American Deci- sions, American Reports, Amer- ican State Reports and Law- yers' Reports Annotated are added to citations of all cases in this Digest.		

VIRGINIA.

Hurst, Sam, and Brown, Randall		
8 Vols.	1730-1896	Barradall, unpublished MS. 1 Jefferson 1 Washington 1 Wythe 1 Va. Cases (Brock & Holmes) 1, 2 Call 1-6 Hening & Munford 1-4 Munford 1-6 Gilmer 1 Randolph 1-6 Leigh 1-12 Robinson 1, 2 Patton & Heath 1, 2 Grattan 1-33 Va. 75-92
1 Vol. (Supp.).....	1896-1902	Va. 93-99
Parallel references to the South- eastern Reporter are added to citations of all cases in this Di- gest.		

VIRGINIA—Continued.

West Publishing Co.

Period Covered.

Reports Digested.

5 Vols. 1730-1905

Standard classification.

Parallel references to the Southeastern Reporter, American Decisions, American Reports, American State Reports and Lawyers' Reports Annotated are added to citations of all cases in this Digest.

Va. 1-103, part of 104
W. Va. 1-57, part of 58
Southeastern Reporter
(Virginia and West Virginia cases) 1-51

1 (Vol. 6)..... 1905-1911

Standard classification, Key-numbered.

Parallel references to the Southeastern Reporter, American State Reports, and Lawyers' Reports Annotated are added to citations of all cases in this Digest.

Va. 105-110, part of 104
W. Va. 59-66, part of 58
Southeastern Reporter
(Virginia and West Virginia cases) 52-69

Michie Co. (Encyclopedic Digest)

13 Vols. 1730-1905

Parallel references to the Southeastern Reporter are added to citations of cases in this Digest.

Va. 1-103
W. Va. 1-55

1 (Vol. 14)..... 1904-1908

Parallel references to the Southeastern Reporter are added to citations of cases in this Digest.

Va. 104-108
W. Va. 56-63
Table volume. Unnumbered. Contains Table of Cases Cited and Table of Constitutions and Statutes cited in vols. 1-14

1 (Vol. 15)..... 1908-1911

Parallel references to the Southeastern Reporter are added to citations of cases in this Digest.

Va. 109-112
W. Va. 64-69

WASHINGTON.

Dennis, Leander C., Menkus, Morris,
and Dennis, Arthur U.

2 Vols. 1890-1898

Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.

Wash. St. 1-19

Miller, A. L.

1 Vol. 1854-1901

Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.

Wash. T. 1-3
Wash. St. 1-24

WASHINGTON—Continued.

Church, W. S.

	Period Covered.	Reports Digested.
1 Vol.	1854-1895	Wash. T. 1-3
		Wash. 1-13
	1868-1895	Mont. 1-15
	1853-1895	Or. 1-26
1 (Vol. 2).....	1895-1898	Wash. 14-19
	1895-1898	Mont. 16-21
	1895-1898	Or. 27-32

Remington, Arthur

3 Vols.	1854-1906	Wash. T. 1-3
Standard classification. Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.		Wash. St. 1-43
1 (Vol. 4).....	1906-1911	Wash. 44-62
Parallel references to the Pacific Reporter are added to citations of all cases in this Digest.		

WEST VIRGINIA.

Bent, James A.

1 Vol.	1863-1887	W. Va. 1-29
1 Vol. (Supp.).....	1888-1892	W. Va. 30-35

Parks, Thomas N.

3 Vols.	1863-1901	W. Va. 1-47
Parallel references to the South- eastern Reporter are added to citations of all cases in this Di- gest.		
1 (Vol. 4).....	1901-1904	W. Va. 48 to part of 55
Parallel references to the South- eastern Reporter, American State Reports and Lawyers' Reports Annotated are added to citations of all cases in this Digest.		Southeastern Reporter (West Virginia cases) 1- 46

West Publishing Co.

5 Vols.	1730-1905	W. Va. 1-57, part of 58
Standard classification. Parallel references to the South- eastern Reporter, American Decisions, American Reports, American State Reports and Lawyers' Reports Annotated are added to citations of all cases in this Digest.		Va. 1-103, part of 104 Southeastern Reporter (Virginia and West Vir- ginia cases) 1-51
1 (Vol. 6).....	1905-1911	W. Va. 59-66, part of 58
Standard classification, Key- numbered. Parallel references to the South- eastern Reporter, American State Reports and Lawyers' Reports Annotated are added to citations of all cases in this Digest.		Va. 105-110, part of 104 Southeastern Reporter (Virginia and West Vir- ginia cases) 52-69

WEST VIRGINIA—Continued.

Michie Co. (Encyclopedic Digest)	Period Covered.	Reports Digested.
13 Vols.	1730-1905	W. Va. 1-55 Va. 1-103
Parallel references to the South-eastern Reporter are added to citations of cases in this Digest.		
1 (Vol. 14).....	1904-1908	W. Va. 56-63 Va. 104-108
Parallel references to the South-eastern Reporter are added to citations of cases in this Digest.		Table volume. Unnumbered. Contains Table of Cases Cited and Table of Constitutions and Statutes cited in vols. 1-14
1 (Vol. 15).....	1908-1911	Va. 109-112 W. Va. 64-69
Parallel references to the South-eastern Reporter are added to citations of cases in this Digest.		

WISCONSIN.

Shepard, Charles E. and Thomas R.		
2 Vols.	1836-1883	Burnett Pinney 1-3 Wis. 1-57
Bailey, W. F.		
3 Vols.	1839-1900	Pinney 1-3 Wis. 1-105
Simmon, John B.		
3 Vols.	1839-1908	Burnett Ter. Rep. Chandler 1-3 Pinney 1-3 Wis. 1-136 Northwestern Reporter (Wisconsin cases) 1-116
Parallel references to the Northwestern Reporter, Lawyers' Reports Annotated and Lawyers' Reports Annotated (N. S.) are added to citations of all cases in this Digest.		
Glazier, Gilson G.		
1 (Vol. 4 of Simmon's).....	1908-1912	Wis. 136-147 Northwestern Reporter (Wisconsin cases) 117-132, part of 133
Parallel references to the Northwestern Reporter are added to citations of cases in this Digest.		

WYOMING.

Downey, Sheridan		
1 Vol.	1870-1908	Wyo. 1-16
Standard classification, Key-numbered.		
Parallel references to the Pacific Reporter, American State Reports and Lawyers' Reports Annotated are added to citations of all cases in this Digest.		

(c) UNITED STATES DIGESTS.

SUPREME COURT.

Danforth, Henry G.	Period Covered.	Reports Digested.
1 Vol.	1754-1885	Dallas 1-4 Cranch 1-9 Wheaton 1-12 Peters 1-16 Howard 1-24 Black 1, 2 Wallace 1-23 U. S. 91-115
1 (Vol. 2).....	1885-1891	U. S. 115-141
Russell, William Hepburn, and Winslow, William Beverly (Syllabus Digest)		
4 Vols.....	1754-1901	Dallas 1-4 Cranch 1-9 Wheaton 1-12 Peters 1-16 Howard 1-24 Black 1, 2 Wallace 1-23 U. S. 91-186
1 (Vol. 4, 2d Ed.).....	1899-1905	U. S. 176-202
Obiter Digest of United States Supreme Court Reports		
2 Vols.	1754-1904	Dallas 1-4 Cranch 1-9 Wheaton 1-12 Peters 1-16 Howard 1-24 Black 1, 2 Wallace 1-23 U. S. 91-197
Rose, Walter Malins		
3 Vols.	1754-1901	Dallas 1-4 Cranch 1-9 Wheaton 1-12 Peters 1-16 Howard 1-24 Black 1, 2 Wallace 1-23 U. S. 91-186
Parallel references to the Law- yers' Edition Reports and Rose's Notes are added to cita- tions of all cases in this Digest.		
Butler, Charles Henry (Index-Digest)		
1 Vol.	1902-1905	U. S. 187-202

SUPREME COURT—Continued.

Lawyers' Co-op. Pub. Co.	Period Covered.	Reports Digested.
6 Vols.	1754-1907	Dallas 1-4 Cranch 1-9 Wheaton 1-12 Peters 1-16 Howard 1-24 Black 1, 2 Wallace 1-23 U. S. 91-206
Parallel references to the Supreme Court Reporter and Lawyers' Edition of the United States Reports are added to citations of all cases in this Digest.		
1 (Vol. 7).....	1907-1912	U. S. 207-225
See above.		
Encyclopedia of U. S. Supreme Ct. Reports (Michie Co.)		
11 Vols.	1754-1907	Dallas 1-4 Cranch 1-9 Wheaton 1-12 Peters 1-16 Howard 1-24 Black 1, 2 Wallace 1-23 U. S. 91-206
Parallel references to the Lawyers' Edition Reports are added to citations of all cases in this Digest.		
1 (Vol. 12).....	1907-1912	U. S. 207-225
Parallel references to the Supreme Court Reporter and Lawyers' Edition of the United States Reports are added to citations of all cases in this Digest.		

CIRCUIT AND DISTRICT COURTS.

West Publishing Co. (Federal Cases Digest)		
1 Vol.	Earliest times to 1879	Federal Cases 1-30
West Publishing Co. (Federal Reporter Digest)		
4 Vols.	1880-1900	Fed. 1-100
5 (Vols. 5-9).....	1900-1913	Fed. 101-200
Standard classification. Key-numbered.		
This Digest is a recompilation of Vols. 5, 6, 7, 8 and 9 Federal Digest, the first two of which were not on the Key-number plan.		

(d) REPORTER DIGESTS.

(I. E., DIGESTS FOR THE DIFFERENT PARTS OF THE NATIONAL REPORTER SYSTEM.)

Digest.		Reporter Vols. Covered.		Period Covered.
Atlantic,	Vol. 1	Atl.,	1-50	1885-1902
	2		51-65	1902-1907
	3 ¹		66-80	1907-1911
Fed.,	Vols. 1-4	Fed.,	1-100	1880-1900
	5-9 ^{1,2}		101-200	1900-1913
N. E.,	Vol. 1	N. E.,	1-30	1885-1892
	2		31-40	1892-1895
	3		41-50	1895-1898
	4		51-65	1898-1903
	5		66-80	1903-1907
	6 ¹		81-95	1907-1911
N. W.,	Vols. 1-2	N. W.,	1-140	1879-1891
	3		51-60	1892-1894
	4		61-70	1894-1897
	5		71-85	1897-1901
	6		86-100	1901-1904
	7 ¹		101-115	1904-1908
	8 ¹		116-130	1908-1911
	9 ¹		131-140	1911-1913
N. Y. Supp.,	Vols. 1-2	N. Y. Supp.,	1-35	1888-1895
	3-4		36-75	1895-1902
	5-6 ¹		76-110	1902-1908
	7-8 ¹		111-135	1908-1912
Pac.,	Vols. 1-10 ^{1,3}	Pac.,	1-120	1883-1912
S. E.,	Vol. 1	S. E.,	1-20	1887-1895
	2		21-40	1895-1902
	3		41-55	1902-1906
	4 ¹		56-70	1906-1911
South.,	Vol. 1	South.,	1-15	1887-1894
	2		16-30	1894-1902
	3		31-40	1902-1906
	4 ¹		41-55	1906-1911

¹ Key-Number Digest. All Reporter digests published after 1908 are compiled on the Key-Number plan.

² This is a recompilation of vols. 5, 6, 7, 8 and 9 Federal Reporter Digest, the first two volumes of which were not on the Key-Number plan.

³ This is a recompilation of vols. 1 to 7 Pacific Reporter Digest, the first 4 volumes of which were not on the Key-Number plan.

(d) REPORTER DIGESTS—Continued.

Digest.		Reporter Vols. Covered.	Period Covered.
S. W.,	Vol. 1	S. W., 1-20	1886-1893
	2	21-30	1893-1895
	3	31-40	1895-1897
	4-5	41-60	1897-1901
	6	61-75	1901-1903
	7	76-90	1903-1906
	8 ¹	91-105	1906-1908
	9 ¹	106-120	1908-1909
	10 ¹	121-135	1909-1911
	11 ¹	136-150	1911-1912

¹ Key-Number Digest. All Reporter digests published after 1908 are compiled on the Key-Number plan.

(e) DIGESTS COVERING THE VARIOUS SELECTED CASE
SERIES OF REPORTS.

Title of Digest.	Vols. of Digest.	Vols. of Reports Covered.	Period Covered.	Remarks.
Rapalje's Digest of American Decisions and American Reports	Vols. 1 to 3	1 to 100 American Decisions 1 to 60 American Reports	1769-1887	American Classification
Green's Digest of American State Reports	Vols. 1 to 3 Vol. 4 Vol. 5	1 to 96 97 to 120 121-140	1886-1904 1904-1908 1908-1911	
Digest of American and English Annotated Cases	1 vol.	1 to 20	1906-1911	
L. R. A. Digest	Vols. 1 to 3	1 to 70	1888-1905	
L. R. A. New Series Digest	1 vol.	1 to 24	1906-1909	

(f) MISCELLANEOUS DIGESTS.

Title of Digest.	Vols. of Digest.	Reports Covered.	Period Covered.	Remarks.
Bender & Hinman's Digest of American Bankruptcy Reports	Vol. 1 Vol. 2 Vol. 3 ↓	1 to 14 15 to 20 21-27	1898-1906 1906-1909 1908-1912	
American Corporation Cases	1 vol.	1 to 10	1868-1887	
American and English Corporation Cases	Vol. 1	1 to 40	1883-1894	
American Criminal Reports	1 vol.	1 to 15	1887-1909	This Digest constitutes vol. 16 of the series of Reports
American Railway Reports	1 vol.	1 to 20	1872-1881	
American Railroad & Corporation Reports	(Vol. 6 of R. & C. Cas. contains Index Digest.) (Vol. 12 contains Digest.)	1 to 6 7 to 12	1890-1892 1893-1896	Index Digest Index Digest
American and English Railroad Cases	2 vols.	1 to 61	1881-1896	
American and English Railroad Cases (New Series)	Vol. 1 Vol. 2 Vol. 3	1 to 23 24 to 43 44 to 53	1894-1901 1901-1906 1906-1908	Index Digest " " " "
American Negligence Cases	1 vol.	1 to 11	1809-1896	
American Negligence Reports	1 vol.	1 to 20	1897-1906	
Probate Reports Annotated	Found in vol. 8 Prob. Rep. Ann. Found in vol. 14 Prob. Rep. Ann.	1 to 8 1 to 14	1895-1903 1895-1909	Index Digest
Morrison's Mining Reports	Found in vol. 16 Mor. Min. Rep.	1 to 15	1883-1898	Index Digest
Street Railway Reports	Found in vol. 8 Str. Ry. Rep.	1 to 8	1904-1913	

(g) SPECIAL LIST OF STANDARD CLASSIFICATION DIGESTS
AND KEY-NUMBER DIGESTS.

There are listed below the various Digests which have thus far been compiled upon the Standard Classification—the digest classification which was used first in the Century Digest, and which has received the official indorsement of the American Bar Association. Some of these Digests compiled on the Standard Classification have the further advantage of being key-numbered—that is to say, the numbering of the sections corresponds exactly with the Decennial Digest.

Special explanation should be made regarding the Reporter Digests. The standard classification did not reach its final form until after 1896. Accordingly, those volumes of the Reporter Digests which were published prior to that date are not strictly on the Standard Classification, although the classification used in them closely resembles that of the Century, Decennial, etc.

We have given below only the names of the various Digests. They are all found in the foregoing lists in divisions (a)–(f) of this chapter which contain additional information regarding each Digest.

American Digest System.

- (a) Century Digest.
- (b) Decennial Digest (Key-Numbered).
- (c) American Digest, Key-Number Series.
- (d) American Monthly Digest (Key-Numbered).

Green's Digest of the American State Reports.

Reporter Digests.

Atlantic Digest,

Vol. 2

“ 3 (Key-Numbered).

Reporter Digests—Continued.

Federal Digest,

Vols. 1-4

“ 5-9¹ (Key-Numbered).

New York Supplement Digest,

Vols. 3-4

“ 5-6 (Key-Numbered).

“ 7-8 “ “

Northeastern Digest,

Vol. 3

“ 4

“ 5

“ 6 (Key-Numbered).

Northwestern Digest,

Vol. 4

“ 5

“ 6

“ 7 (Key-Numbered).

“ 8 “ “

“ 9 “ “

—

Pacific Digest,

Vols. 1-10² (Key-Numbered).

Southeastern Digest,

Vol. 2

“ 3

“ 4 (Key-Numbered).

Southern Digest,

Vol. 2

“ 3

“ 4 (Key-Numbered).

Southwestern Digest,

Vols. 4-5

“ 6

“ 7

“ 8 (Key-Numbered).

“ 9 “ “

“ 10 “ “

“ 11 “ “

¹ This is a recompilation of vols. 5, 6, 7, 8 and 9 Federal Reporter Digest, the first two volumes of which were not on the Key-Number plan.

² This is a recompilation of vols. 1 to 7 Pacific Reporter Digest, the first 4 volumes of which were not on the Key-Number plan.

State Digests of—

- Indiana (West Publishing Co. Key-Number Digest).
- Kansas (West Publishing Co. Key-Number Digest).
- Kentucky (West Publishing Co. Supplement is Key-Numbered).
- Kentucky (Bobbs-Merrill Co. Cumulative Digest. Vol. 2 is Key-Numbered).
- Massachusetts (West Publishing Co. and Little, Brown & Co.).
- Michigan (West Publishing Co. Key-Number Digest).
- Mississippi (Bobbs-Merrill Co. Key-Number Digest).
- Missouri (West Publishing Co. Supplements are Key-Numbered).
- New Jersey (Soney & Sage, Publishers).
- Oklahoma (West Publishing Co. Key-Number Digest).
- Oklahoma (Bobbs-Merrill Co. Cumulative Digest. Key-Numbered).
- United States (Rose's Digest).
- Vermont (West Publishing Co. Key-Number Digest).
- Virginia and West Virginia (West Publishing Co. Supplement is Key-Numbered).
- Washington (Remington's Digest).
- Wyoming (Downey's Digest. Key-Numbered).

In addition to the above, there are a number of State Digests which, though compiled substantially on the American Digest Classification, depart from it in some instances, consequently cannot be listed as Standard Classification Digests in the strict sense. These Digests are as follows:

- Arkansas (Crawford's Digest, vol. 3).
- California (Green's Digest).
- Idaho (Ailshie & Snow's Digest).
- Illinois (Callaghan & Co. Digest).
- Nebraska (Synoptical Digest).
- New York (Mason & Hoguet's Digest).
- Ohio (Laning's Digest).
- Oregon (Montague's Digest).
- Texas (Green's Digest).

CHAPTER 7.

THE APPELLATE COURTS OF THE VARIOUS STATES.

The designations of the courts of last resort of the several states vary to a considerable extent. Taken collectively they give no adequate idea as to their relative standing, and in fact are apt to mislead lawyers consulting the decisions of states other than their own. In some states the Court of Appeals is the court of last resort, and the Supreme Court is an intermediate appellate court, while in other states these designations are exactly reversed. This table includes the appellate courts now in existence, and also a number of courts which no longer exist, but whose opinions are still frequently cited as authority. Where more than one court is given under a state, they are arranged in the order of their rank.

STATE	COURT	REPORTS— HOW CITED
Alabama	(1) Supreme Court	Ala.
	(2) Court of Appeals	Ala. App.
Arizona	Supreme Court	Ariz.
Arkansas	Supreme Court	Ark.
California	(1) Supreme Court	Cal.
	(2) { Court of Appeal, 1st District	Cal. App.
	{ Court of Appeal, 2d District	Cal. App.
	{ Court of Appeal, 3d District	Cal. App.
Colorado	(1) Supreme Court	Colo.
	(2) Court of Appeals	Colo. App.
Connecticut	Supreme Court of Errors	Conn.
Delaware	(1) Supreme Court (Formerly Court of Errors and Appeals. Name changed by Laws 1898, p. 251. Entertains appeals from the Court of Chancery, which are published in the Delaware Chancery Reports, and appeals from the Superior Court, Court of General Sessions, and Court of Oyer and Terminer, which appeals are published in Boyce's Reports.)	Del. Ch. or Boyce
	(2) { Court of Chancery	Del. Ch.
	{ Superior Court	Boyce
	{ Court of General Sessions	Boyce
	{ Court of Oyer and Terminer	Boyce

STATE	COURT	REPORTS— HOW CITED
District of Columbia	(1) Court of Appeals	App. D. C.
	(2) Supreme Court (Decisions of the Supreme Court not now reported. The appellate jurisdiction formerly held by the Supreme Court was in 1893 transferred to a new court, styled the Court of Appeals, whose decisions are reported under the caption "App. D. C.")	D. C.
Florida	Supreme Court	Fla.
Georgia	(1) Supreme Court	Ga.
	(2) Court of Appeals	Ga. App.
Idaho	Supreme Court	Idaho
Illinois	(1) Supreme Court	Ill.
	{ Appellate Court, 1st District	Ill. App.
	{ Appellate Court, 2d District	Ill. App.
	(2) { Appellate Court, 3d District	Ill. App.
	{ Appellate Court, 4th District	Ill. App.
	{ Branch Appellate Court, 1st District	Ill. App.
Indiana	(1) Supreme Court	Ind.
	(2) Appellate Court	Ind. App.
Iowa	Supreme Court	Iowa
Kansas	(1) Supreme Court	Kan.
	(2) Court of Appeals *	Kan. App.
Kentucky	Court of Appeals	Ky.
Louisiana	Supreme Court	La.
Maine	Supreme Judicial Court	Me.
Maryland	Court of Appeals	Md.
Massachusetts	Supreme Judicial Court	Mass.
Michigan	Supreme Court	Mich.
Minnesota	Supreme Court	Minn.
Mississippi	Supreme Court	Miss.
Missouri	(1) Supreme Court	Mo.
	{ Kansas City Court of Appeals	Mo. App.
	(2) { St. Louis Court of Appeals	Mo. App.
	{ Springfield Court of Appeals	Mo. App.
Montana	Supreme Court	Mont.
Nebraska	Supreme Court	Neb.
Nevada	Supreme Court	Nev.
New Hampshire	Supreme Court	N. H.
New Jersey	(1) Court of Errors and Appeals (Entertains appeals from the Supreme Court, which are published in the Law Reports, and appeals from the Court of Chancery and Prerogative Court, which are reported in the Equity Reports.)	N. J. Law or N. J. Eq.
	(2) { Supreme Court	N. J. Law
	{ Court of Chancery	N. J. Eq.
	{ Prerogative Court	N. J. Eq.
New Mexico	Supreme Court	N. M.

STATE	COURT	REPORTS— HOW CITED
New York	(1) Court of Appeals	N. Y.
	Supreme Court, Appellate Div., 1st Dept.	App. Div.
	Supreme Court, Appellate Div., 2d Dept.	App. Div.
	(2) Supreme Court, Appellate Div., 3d Dept.	App. Div.
	Supreme Court, Appellate Div., 4th Dept.	App. Div.
	(3) Supreme Court, Appellate Term (This court [in both first and second departments] entertains appeals in certain cases from the Municipal Courts and other courts in New York City, and appeals lie from it to the Supreme Court, Appellate Division, 1st Department.)	Misc. Rep.
North Carolina	Supreme Court	N. C.
North Dakota	Supreme Court	N. D.
Ohio	Supreme Court	Ohio St.
Oklahoma	(1) Supreme Court	Okla.
	(2) Criminal Court of Appeals	Okla. Cr. App.
Oregon	Supreme Court	Or.
Pennsylvania	Supreme Court	Pa.
Rhode Island	Supreme Court	R. I.
South Carolina	Supreme Court	S. C.
South Dakota	Supreme Court	S. D.
Tennessee	(1) Supreme Court	Tenn.
	(2) Court of Civil Appeals (Formerly Court of Chancery Appeals, reports being cited "Tenn. Ch. App." Name changed by Acts 1907, p. 232.)	Tenn. Civ. App.
Texas	(1) Supreme Court	Tex.
	(2) Court of Criminal Appeals	Tex. Cr. App.
	(3) Court of Civil Appeals (There are eight courts sitting at specified places throughout the state.)	Tex. Civ. App.
Utah	Supreme Court	Utah
Vermont	Supreme Court	Vt.
Virginia	Supreme Court of Appeals	Va.
Washington	Supreme Court	Wash.
West Virginia	Supreme Court of Appeals	W. Va.
Wisconsin	Supreme Court	Wis.
Wyoming	Supreme Court	Wyo.

CHAPTER 8.

MAIN TITLES OF THE STANDARD DIGEST CLASSIFICATION.

(a) ARRANGED ALPHABETICALLY.

The following is a list of the 412 main titles or topic headings used in the Standard Classification Scheme, arranged alphabetically:

Abandonment	Associations
Abatement and Revival	Assumpsit, Action of
Abduction	Asylums
Abortion	Attachment
Absentees	Attorney and Client
Abstracts of Title	Attorney General
Accession	Auctions and Auctioneers
Accord and Satisfaction	Audita Querela
Account	
Account, Action on	Bail
Account Stated	Bailment
Acknowledgment	Bankruptcy
Action	Banks and Banking
Action on the Case	Bastards
Adjoining Landowners	Beneficial Associations
Admiralty	Bigamy
Adoption	Bills and Notes
Adulteration	Blasphemy
Adultery	Bonds
Adverse Possession	Boundaries
Affidavits	Bounties
Affray	Breach of Marriage Promise
Agriculture	Breach of the Peace
Aliens	Bribery
Alteration of Instruments	Bridges
Ambassadors and Consuls	Brokers
Amicus Curiae	Building and Loan Associations
Animals	Burglary
Annuities	
Appeal and Error	Canals
Appearance	Cancellation of Instruments
Apprentices	Carriers
Arbitration and Award	Cemeteries
Army and Navy	Census
Arrest	Certiorari
Arson	Champerty and Maintenance
Assault and Battery	Charities
Assignments	Chattel Mortgages
Assignments for Benefit of Creditors	Citizens
Assistance, Writ of	Civil Rights

(a) ARRANGED ALPHABETICALLY—Cont'd.

Clerks of Courts	Disorderly House
Clubs	District and Prosecuting Attorneys
Colleges and Universities	District of Columbia
Collision	Disturbance of Public Assemblage
Commerce	Divorce
Common Lands	Domicile
Common Law	Dower
Common Scold	Drains
Compositions with Creditors	Druggists
Compounding Felony	Drunkards
Compromise and Settlement	Dueling
Confusion of Goods	
Conspiracy	Easements
Constitutional Law	Ejectment
Contempt	Election of Remedies
Continuance	Elections
Contracts	Electricity
Contribution	Embezzlement
Conversion	Embracery
Convicts	Eminent Domain
Copyrights	Entry, Writ of
Coroners	Equity
Corporations	Escape
Costs	Escheat
Counterfeiting	Escrows
Counties	Estates
Court Commissioners	Estates Tail
Courts	Estoppel
Covenant, Action of	Evidence
Covenants	Exceptions, Bill of
Creditors' Suit	Exchange of Property
Criminal Law	Exchanges
Crops	Execution
Curtesy	Executors and Administrators
Customs and Usages	Exemptions
Customs Duties	Explosives
	Extortion
	Extradition
Damages	
Dead Bodies	Factors
Death	False Imprisonment
Debt, Action of	False Personation
Dedication	False Pretenses
Deeds	Fences
Depositories	Ferries
Depositions	Finding Lost Goods
Deposits in Court	Fines
Descent and Distribution	Fires
Detectives	Fish
Detinue	Fixtures
Discovery	Food
Dismissal and Nonsuit	Forcible Entry and Detainer
Disorderly Conduct	

(a) ARRANGED ALPHABETICALLY—Cont'd.

Forfeitures	Judicial Sales
Forgery	Jury
Fornication	Justices of the Peace
Franchises	
Fraud	Kidnapping
Frauds, Statute of	
Fraudulent Conveyances	Landlord and Tenant
	Larceny
Game	Levees
Gaming	Lewdness
Garnishment	Libel and Slander
Gas	Licenses
Gifts	Liens
Good Will	Life Estates
Grand Jury	Limitation of Actions
Ground Rents	Lis Pendens
Guaranty	Literary Property
Guardian and Ward	Livery Stable Keepers
	Logs and Logging
	Lost Instruments
	Lotteries
Habeas Corpus	
Hawkers and Peddlers	Malicious Mischief
Health	Malicious Prosecution
Highways	Mandamus
Holidays	Manufactures
Homestead	Maritime Liens
Homicide	Marriage
Hospitals	Marshaling Assets and Securities
Husband and Wife	Master and Servant
	Mayhem
Improvements	Mechanics' Liens
Incest	Mercantile Agencies
Indemnity	Militia
Indians	Mines and Minerals
Indictment and Information	Miscegenation
Infants	Money Lent
Injunction	Money Paid
Innkeepers	Money Received
Insane Persons	Monopolies
Insolvency	Mortgages
Inspection	Motions
Insurance	Municipal Corporations
Insurrection	
Interest	Names
Internal Revenue	Navigable Waters
International Law	Ne Exeat
Interpleader	Negligence
Intoxicating Liquors	Neutrality Laws
	Newspapers
Joint Adventures	New Trial
Joint-Stock Companies	Notaries
Joint Tenancy	Notice
Judges	
Judgment	

(a) **ARRANGED ALPHABETICALLY—Cont'd.**

Novation	Reference
Nuisance	Reformation of Instruments
	Reformatories
Oath	Registers of Deeds
Obscenity	Release
Obstructing Justice	Religious Societies
Officers	Remainders
	Removal of Causes
Pardon	Replevin
Parent and Child	Reports
Parliamentary Law	Rescue
Parties	Reversions
Partition	Review
Partnership	Rewards
Party Walls	Riot
Patents	Robbery
Paupers	
Pawnbrokers	Sales
Payment	Salvage
Penalties	Schools and School Districts
Pensions	Scire Facias
Perjury	Seals
Perpetuities	Seamen
Physicians and Surgeons	Searches and Seizures
Pilots	Seduction
Piracy	Sequestration
Pleading	Set-Off and Counterclaim
Pledges	Sheriffs and Constables
Poisons	Shipping
Possessory Warrant	Signatures
Post Office	Slaves
Powers	Sodomy
Principal and Agent	Specific Performance
Principal and Surety	Spendthrifts
Prisons	States
Private Roads	Statutes
Prize Fighting	Steam
Process	Stipulations
Prohibition	Street Railroads
Property	Submission of Controversy
Prostitution	Subrogation
Public Lands	Subscriptions
	Suicide
Quieting Title	Sunday
Quo Warranto	Supersedes
Railroads	Taxation
Rape	Telegraphs and Telephones
Real Actions	Tenancy in Common
Receivers	Tender
Receiving Stolen Goods	Territories
Recognizances	Theaters and Shows
Records	Threats

(a) ARRANGED ALPHABETICALLY—Cont'd.

Time	Unlawful Assembly
Torts	Use and Occupation
Towage	Usury
Towns	
Trade-Marks and Trade-Names	Vagrancy
Trade Unions	Vendor and Purchaser
Treason	Venue
Treaties	
Trespass	War
Trespass to Try Title	Warehousemen
Trial	Waste
Trover and Conversion	Waters and Water Courses
Trusts	Weapons
Turnpikes and Toll Roads	Weights and Measures
	Wharves
Undertakings	Wills
United States	Witnesses
United States Commissioners	Woods and Forests
United States Marshals	Work and Labor

(b) CATEGORICALLY ARRANGED.

The following is a list of the 412 main titles or topic headings of the Standard Classification Scheme, arranged in their relations to the seven fundamental categories:

1.**PERSONS.****1. Matters Relating to Natural Persons in General.**

Names	Food
Signatures	Intoxicating Liquors
Seals	Poisons
Domicile	Weapons
Time	Civil Rights
Sunday	Death
Holidays	Dead Bodies
Health	

2. Particular Classes of Natural Persons.

Citizens	Insane Persons
Absentees	Drunkards
Aliens	Spendthrifts
Indians	Paupers
Bastards	Slaves
Infants	Convicts

3. Personal Relations.

Marriage	Executors and Administrators
Husband and Wife	Attorney and Client
Parent and Child	Principal and Agent
Adoption	Master and Servant
Guardian and Ward	Apprentices

4. Associated and Artificial Persons.

Partnership	Building and Loan Associations
Associations	Trade Unions
Joint-Stock Companies	Exchanges
Corporations	Colleges and Universities
Clubs	Religious Societies
Beneficial Associations	

5. Particular Occupations.

Agriculture	Licenses
Manufactures	Physicians and Surgeons
Commerce	Druggists
Monopolies	Theaters and Shows

(b) CATEGORICALLY ARRANGED—Cont'd.**PERSONS—Cont'd.****5. Particular Occupations—Cont'd.**

Innkeepers	Turnpikes and Toll Roads
Livery Stable Keepers	Bridges
Warehousemen	Ferries
Pawnbrokers	Canals
Banks and Banking	Shipping
Insurance	Seamen
Mercantile Agencies	Pilots
Detectives	Towage
Brokers	Wharves
Factors	Telegraphs and Telephones
Auctions and Auctioneers	Steam
Hawkers and Peddlers	Electricity
Carriers	Gas
Railroads	Explosives
Street Railroads	

2.**PROPERTY.****1. Nature, Subjects and Incidents of Ownership in General.**

Property	Accession
Adjoining Landowners	Confusion of Goods
Improvements	Abandonment

2. Particular Subjects and Incidents of Ownership.

Public Lands	Animals
Common Lands	Game
Cemeteries	Fish
Boundaries	Fixtures
Fences	Good Will
Party Walls	Trade-Marks and Trade-Names
Mines and Minerals	Literary Property
Navigable Waters	Copyrights
Waters and Water Courses	Patents
Woods and Forests	Franchises
Logs and Logging	Annuities
Crops	

3. Particular Classes of Estates or Interests in Property.

Estates	Remainders
Estates Tail	Joint Tenancy
Life Estates	Tenancy in Common
Dower	Easements
Curtesy	Trusts
Landlord and Tenant	Charities
Ground Rents	Perpetuities
Reversions	Powers

(b) CATEGORICALLY ARRANGED—Cont'd.

PROPERTY—Cont'd.

4. Particular Modes of Acquiring or Transferring Property.

Adverse Possession	Fraudulent Conveyances
Finding Lost Goods	Escrows
Dedication	Lost Instruments
Gifts	Alteration of Instruments
Deeds	Wills
Assignments	Conversion
Mortgages	Descent and Distribution
Chattel Mortgages	Escheat
Pledges	Abstracts of Title
Assignments for Benefit of Creditors	

3.

CONTRACTS.

1. Nature, Requisites, and Incidents of Agreements in General.

Contracts	Interest
Frauds, Statute of	Usury
Customs and Usages	

2. Particular Classes of Agreements.

Breach of Marriage Promise	Subscriptions
Bailment	Joint Adventures
Depositories	Principal and Surety
Sales	Guaranty
Vendor and Purchaser	Indemnity
Exchange of Property	Compromise and Settlement
Covenants	Compositions with Creditors
Bonds	Champerty and Maintenance
Bills and Notes	Gaming
Rewards	Lotteries

3. Particular Classes of Implied or Constructive Contracts or Quasi Contracts.

Work and Labor	Money Received
Use and Occupation	Account Stated
Money Lent	Contribution
Money Paid	

4. Particular Modes of Discharging Contracts.

Payment	Subrogation
Tender	Release
Novation	

(b) CATEGORICALLY ARRANGED—Cont'd.

4.

TORTS.

Torts
 Assault and Battery
 False Imprisonment
 Malicious Prosecution
 Negligence
 Nuisance
 Trespass
 Forcible Entry and Detainer

Waste
 Trover and Conversion
 Collision
 Fraud
 Seduction
 Libel and Slander
 Conspiracy

5.

CRIMES.

Criminal Law
 Suicide
 Homicide
 Mayhem
 Abortion
 Rape
 Sodomy
 Kidnapping
 Abduction
 Arson
 Fires
 Malicious Mischief
 Burglary
 Robbery
 Threats
 Extortion
 Larceny
 Embezzlement
 False Pretenses
 False Personation
 Receiving Stolen Goods
 Forgery
 Counterfeiting
 Adulteration
 Vagrancy
 Disorderly Conduct
 Disturbance of Public Assemblage
 Common Scold

Blasphemy
 Obscenity
 Fornication
 Incest
 Miscegenation
 Adultery
 Bigamy
 Lewdness
 Prostitution
 Disorderly House
 Breach of the Peace
 Dueling
 Prize Fighting
 Affray
 Unlawful Assembly
 Riot
 Compounding Felony
 Obstructing Justice
 Bribery
 Embracery
 Perjury
 Escape
 Rescue
 Insurrection
 Treason
 Neutrality Laws
 Piracy

6.

REMEDIES.

1. Remedies by Act or Agreement of Parties.

Accord and Satisfaction
 Arbitration and Award

Submission of Controversy

(b) CATEGORICALLY ARRANGED—Cont'd.

REMEDIES—Cont'd.

2. Remedies by Possession or Notice.

Liens	Salvage
Mechanics' Liens	Notice
Maritime Liens	Lis Pendens

3. Means and Methods of Proof.

Evidence	Oath
Witnesses	Acknowledgment
Depositions	Records
Affidavits	Estoppel

4. Civil Actions in General.

Action	Limitation of Actions
Election of Remedies	Venue
Set-Off and Counterclaim	Parties

5. Particular Proceedings in Civil Actions.

Process	Trial
Appearance	Reference
Abatement and Revival	Damages
Pleading	Judgment
Stipulations	Execution
Motions	Exemptions
Dismissal and Nonsuit	Homestead
Continuance	Costs
Jury	

6. Particular Remedies Incident to Civil Actions.

Arrest	Garnishment
Ne Exeat	Discovery
Bail	Injunction
Recognizances	Receivers
Undertakings	Sequestration
Deposits in Court	Judicial Sales
Attachment	Assistance, Writ of

7. Particular Modes of Review in Civil Actions.

Exceptions, Bill of	Certiorari
New Trial	Review
Appeal and Error	Audita Querela

(b) CATEGORICALLY ARRANGED—Cont'd.

REMEDIES—Cont'd.

8. Actions to Establish Ownership or Recover Possession of Specific Property.

Real Actions	Detinue
Entry, Writ of	Replevin
Ejectment	Possessory Warrant
Trespass to Try Title	Interpleader
Quieting Title	

9. Forms of Actions for Debts or Damages.

Debt, Action of	Assumpsit, Action of
Account, Action on	Action on the Case
Covenant, Action of	

10. Actions for Particular Forms of Special Relief.

Divorce	Specific Performance
Partition	Account
Cancellation of Instruments	Creditors' Suit
Reformation of Instruments	Marshaling Assets and Securities

11. Civil Proceedings Other Than Actions.

Habeas Corpus	Quo Warranto
Mandamus	Scire Facias
Prohibition	Supersedeas

12. Special Civil Jurisdictions and Procedure Therein.

Equity	Insolvency
Admiralty	Bankruptcy

13. Proceedings Peculiar to Criminal Cases.

Extradition	Forfeitures
Searches and Seizures	Penalties
Grand Jury	Fines
Indictment and Information	Pardon

7.

GOVERNMENT.

1. Political Bodies and Divisions.

United States	Counties
States	Towns
Territories	Municipal Corporations
District of Columbia	

(b) CATEGORICALLY ARRANGED—Cont'd.

GOVERNMENT—Cont'd.

2. Systems and Sources of Law.

Common Law	Constitutional Law
International Law	Statutes
Parliamentary Law	Treaties

3. Legislative and Executive Powers and Functions.

Eminent Domain	Highways
Taxation	Private Roads
Customs Duties	Levees
Internal Revenue	Drains
Bounties	Census
Pensions	Weights and Measures
Schools and School Districts	Inspection
Post Office	

4. Judicial Powers and Functions, and Courts and Their Officers.

Courts	Court Commissioners
Removal of Causes	United States Commissioners
Judges	Amicus Curiaë
Justices of the Peace	Reports
Clerks of Courts	Contempt

5. Civil Service, Officers, and Institutions.

Officers	Sheriffs and Constables
Elections	United States Marshals
Ambassadors and Consuls	Newspapers
Notaries	Hospitals
Registers of Deeds	Asylums
Attorney General	Reformatories
District and Prosecuting Attorneys	Prisons
Coroners	

6. Military and Naval Service and War.

Militia	War
Army and Navy	

CHAPTER 9.

MAIN OR TOPIC TITLES IN "CYC."

The following is a list of the 440 main titles or topic titles in the Cyclopaedia of Law and Procedure, arranged alphabetically:

Abandonment	Bail
Abatement and Revival	Bailments
Abduction	Bankruptcy
Abortion	Banks and Banking
Absentees	Barratry
Abstracts of Title	Bastards
Accession	Bigamy
Accident Insurance	Blasphemy
Accord and Satisfaction	Bonds
Accounts and Accounting	Boundaries
Acknowledgments	Bounties
Actions	Breach of Promise to Marry
Adjoining Landowners	Breach of the Peace
Admiralty	Bribery
Adoption of Children	Bridges
Adulteration	Builders and Architects
Adultery	Building and Loan Societies
Adverse Possession	Burglary
Affidavits	
Affray	Canals
Agriculture	Cancellation of Instruments
Aliens	Carriers
Alterations of Instruments	Case, Action on
Ambassadors and Consuls	Cemeteries
Amicus Curiae	Census
Animals	Certiorari
Annuities	Champerty and Maintenance
Appeal and Error	Charities
Appearances	Chattel Mortgages
Apprentices	Citizens
Arbitration and Award	Civil Rights
Army and Navy	Clerks of Courts
Arrest	Clubs
Arson	Colleges and Universities
Assault and Battery	Collision
Assignments	Commerce
Assignments for Benefit of Creditors	Commercial Paper
Assistance, Writ of	Common Lands
Associations	Common Law
Assumpsit, Action of	Common Scold
Asylums	Compositions with Creditors
Attachment	Compounding Felony
Attorney and Client	Compromise and Settlement
Attorney-General	Concealment of Birth or Death
Auctions and Auctioneers	Confusion of Goods
Audita Querela	Consolidation and Severance of Actions

Conspiracy
 Constitutional Law
 Contempt
 Continuances in Civil Cases
 Continuances in Criminal Cases
 Contracts
 Contribution
 Conversion
 Convicts
 Copyright
 Coroners
 Corporations
 Costs
 Counterfeiting
 Counties
 Court Commissioners
 Courts
 Covenant, Action of
 Covenants
 Creditors' Suits
 Criminal Law
 Crops
 Curtesy
 Customs and Usages
 Customs Duties

Damages
 Dead Bodies
 Death
 Debt, Action of
 Dedication
 Deeds
 Depositaries
 Depositions
 Deposits in Court
 Descent and Distribution
 Detectives
 Detinue
 Discovery
 Dismissal and Nonsuit
 Disorderly Conduct
 Disorderly Houses
 District of Columbia
 Disturbance of Public Meetings
 Divorce
 Domicile
 Dower
 Drains
 Druggists
 Drunkards
 Dueling

Easements
 Ejectment
 Election of Remedies

Elections
 Electricity
 Embezzlement
 Embracery
 Eminent Domain
 Employers' Liability Insurance
 Entry, Writ of
 Equity
 Escape
 Escheat
 Escrows
 Estates
 Estoppel
 Evidence
 Exchange of Property
 Exchanges
 Executions
 Executors and Administrators
 Exemptions
 Explosives
 Extortion
 Extradition (International)
 Extradition (Interstate)

Factors and Brokers
 False Imprisonment
 False Personation
 False Pretenses
 Fences
 Ferries
 Fidelity Insurance
 Finding Lost Goods
 Fines
 Fire Insurance
 Fires
 Fish and Game
 Fixtures
 Food
 Forcible Entry and Detainer
 Foreign Corporations
 Forfeitures
 Forgery
 Fornication
 Franchises
 Fraud
 Frauds, Statute of
 Fraudulent Conveyances

Gaming
 Garnishment
 Gas
 Gifts
 Good-Will
 Grand Juries
 Ground-Rents

Guaranty	Lis Pendens
Guardian and Ward	Literary Property
	Livery-Stable Keepers
Habeas Corpus	Live-Stock Insurance
Hawkers and Peddlers	Lloyd's Insurance
Health	Logging
Holidays	Lost Instruments
Homesteads	Lotteries
Homicide	
Hospitals	Malicious Mischief
Husband and Wife	Malicious Prosecution
	Mandamus
Improvements	Manufacturers
Incest	Marine Insurance
Indemnity	Maritime Liens
Indians	Marriage
Indictments and Informations	Marshaling Assets and Securities
Infants	Master and Servant
Informations in Civil Cases	Mayhem
Injunctions	Mechanics' Liens
Innkeepers	Mercantile Agencies
Insane Persons	Militia
Insolvency	Mills
Inspection	Mines and Minerals
Insurance	Miscegenation
Insurrection	Money Lent
Interest	Money Paid
Internal Revenue	Money Received
International Law	Monopolies
Interpleader	Mortgages
Intoxicating Liquors	Motions
	Motor Vehicles
Joinder and Splitting of Actions	Municipal Corporations
Joint Adventures	Mutual Benefit Insurance
Joint Stock Companies	
Joint Tenancy	Names
Judges	Navigable Waters
Judgments	Ne Exeat
Judicial Sales	Negligence
Juries	Neutrality Laws
Justices of the Peace	Newspapers
	New Trial
Kidnapping	Notaries
	Notice
Labor Unions	Novation
Landlord and Tenant	Nuisances
Larceny	
Levees	Oaths and Affirmations
Lewdness	Obscenity
Liability Insurance	Obstructing Justice
Libel and Slander	Officers
Licenses	Orders
Liens	
Life Insurance	Pardons
Limitations of Actions	Parent and Child

- | | |
|--------------------------------------|------------------------------|
| Parliamentary Law | Removal of Causes |
| Parties | Replevin |
| Partition | Reports |
| Partnership | Rescue |
| Party-Walls | Review |
| Patents | Rewards |
| Paupers | Riot |
| Pawnbrokers | Robbery |
| Payment | |
| Penalties | Sales |
| Pensions | Salvage |
| Pent Roads | Schools and School Districts |
| Peonage | Scire Facias |
| Perjury | Seals |
| Perpetuities | Seamen |
| Physicians and Surgeons | Searches and Seizures |
| Pilots | Seduction |
| Piracy | Sequestration |
| Plate-Glass Insurance | Sheriffs and Constables |
| Pleading | Shipping |
| Pledges | Signatures |
| Poisons | Slaves |
| Possessory Warrant | Sodomy |
| Post-Office | Specific Performance |
| Powers | Spendthrifts |
| Principal and Agent | States |
| Principal and Surety | Statutes |
| Prisons | Steam |
| Private Roads | Stipulations |
| Prize-Fighting | Street Railroads |
| Process | Streets and Highways |
| Profanity | Submission of Controversy |
| Prohibition | Subrogation |
| Property | Subscriptions |
| Prosecuting, etc., Attorneys | Suicide |
| Prostitution | Summary Proceedings |
| Public Lands | Sunday |
| | Supersedeas |
| Quieting Title | |
| Quo Warranto | Taxation |
| | Telegraphs and Telephones |
| Railroads | Tenancy in Common |
| Rape | Tender |
| Real Actions | Territories |
| Receivers | Theaters and Shows |
| Receiving Stolen Goods | Theft Insurance |
| Recognizances | Threats |
| Records | Title Insurance |
| Recoupment, Set-Off and Counterclaim | Toll-Roads |
| References | Torts |
| Reformation of Instruments | Towage |
| Reformatories | Towns |
| Registers of Deeds | Trade-Marks and Trade-Names |
| Release | Trading Stamps |
| Religious Societies | |

Treason	Vagrancy
Treaties	Vendor and Purchaser
Trespass	Venue
Trespass to Try Title	
Trial	War
Trover and Conversion	Warehousemen
Trusts	Waste
	Waters
Undertakings	Weapons
United States	Weights and Measures
United States Commissioners	Wharves
United States Marshals	Wills
Unlawful Assembly	Witnesses
Use and Occupation	Woods and Forests
Usury	Work and Labor

CHAPTER 10.

LIST OF ABBREVIATIONS BY WHICH LAW REPORTS AND IMPORTANT LEGAL PUBLICATIONS ARE CITED.

- A. Alabama;—American, see Am.;—Anonymous;—Arkansas;—Abbott (see Abb.);—Annals (Louisiana);—Atlantic Reporter.
- A, a, B, b. "A" front, "B" back of a leaf.
- A. B. Anonymous Reports at end of Benloe's Reports, commonly called New Benloe.
- A. B. R. American Bankruptcy Reports.
- A'B. R. J. N. S. W. A'Beckett's Reserved (Equity) Judgments, New South Wales.
- A'B. R. J. P. P. A'Beckett's Reserved Judgments, Port Philip.
- A. C. Appellate Court;—Case on Appeal;—Appeal Cases, English Chancery; Law Reports Appeal Cases.
- A. C.
- [1891] A. C. English Appeal Cases; Law Reports, 3d Series, 1891.
- [1892] A. C. Same for 1892, etc.
- A. C. C. American Corporation Cases (With-row's).
- A. C. R. American Criminal Reports.
- A. D. American Decisions;—*Anno Domini*; in the year of our Lord;—Appellate Division, New York Supreme Court.
- A. E. C. American Electrical Cases.
- A. G. Attorney General.
- A. G. Dec. Attorney General's Decisions.
- A. G. Op. Attorney General's Opinions.
- A. Ins. R. American Insolvency Reports.
- A. K. Marsh. A. K. Marshall's Reports, Kentucky.
- A. L. C. American Leading Cases.
- A. L. J. Albany Law Journal.
- A. Moo. A. Moore's Reports, in vol. 1 Bosanquet & Puller.
- A. M. & O. Armstrong, Macartney & Ogle's Irish Nisi Prius Reports.
- A. N. C. Abbott's New Cases, New York;—American Negligence Cases.
- A. N. R. American Negligence Reports, Current Series.
- A. P. B. or Ashurst MSS. L. I. L. Ashurst's Paper-books; the manuscript paper-books of Ashurst, J., Buller, J., Lawrence, J., and Dampier, J., in Lincoln's Inn Library.
- A. R. American Reports;—*Anno Regni*; in the year of the reign;—Atlantic Reporter;—Appeal Reports, Ontario.
- A. R. C. American Railway Cases.
- A. R. R. American Railway Reports.
- A. R. V. R. 22. Anno Regni Victorie Regina Vicesimo Secundo.
- A. Rep. American Reports;—Atlantic Reporter (Commonly cited Atl. or A.).
- A. S. Acts of Sederunt, Ordinances of the Court of Session, Scotland.
- A. S. R. American State Reports.
- A. & A. Corp. Angell & Ames on Corporations.
- A. & E. Adolphus & Ellis's English King's Bench Reports;—Admiralty and Ecclesiastical.
- A. & E. Corp. Ca. American and English Corporation Cases.
- A. & E. Encyc. American and English Encyclopædia of Law.
- A. & E. N. S. Adolphus & Ellis's Reports, New Series, English Queen's Bench, commonly cited Q. B.
- A. & E. R. R. C. American & English Railroad Cases.
- A. & F. Fixt. Amos & Ferrard on Fixtures.
- A. & H. Arnold & Hodges's English Queen's Bench Reports.
- A. & N. Alcock & Napier's Irish King's Bench Reports.
- Ab. Abridgment.
- Ab. Adm. Abbott's Admiralty Reports.
- Ab. App. Dec. Abbott's New York Court of Appeals Decisions.
- Ab. Ct. App. Abbott's New York Court of Appeals Decisions.
- Ab. Eq. Cas. Equity Cases Abridged, English Chancery.
- Ab. N. Y. Ct. App. Abbott's New York Court of Appeals Decisions.
- Ab. N. Y. Dig. Abbott's New York Digest.
- Ab. N. Y. Pr. Abbott's Practice Reports, New York.
- Ab. N. Y. Pr. N. S. Abbott's Practice Reports, New Series, New York.
- Ab. Nat. Dig. Abbott's National Digest.
- Ab. New Cas. Abbott's New Cases, various New York courts.
- Ab. Pl. Abbott's Pleadings under the Code.
- Ab. Pr. Abbott's Practice Reports, New York.
- Ab. Pr. N. S. Abbott's Practice Reports, New Series, New York.
- Ab. Sh. Abbott (Lord Tenterden) on Shipping.
- Ab. U. S. Abbott's Reports, United States Circuit Court.
- Ab. U. S. Pr. Abbott's United States Courts Practice.
- Abb. Abbott. See below.
- Abb. Ad. or Abb. Adm. Abbott's Admiralty Reports.
- Abb. App. Dec. Abbott's New York Court of Appeals Decisions.
- Abb. Beech. Tr. Abbott's Report of the Beecher Trial.
- Abb. C. C. Abbott's Reports, United States Circuit Court.
- Abb. Ct. App. Abbott's New York Court of Appeals Decisions.
- Abb. Dec. Abbott's New York Court of Appeals Decisions.
- Abb. Dig. Abbott's New York Digest.
- Abb. Dig. Corp. Abbott's Digest Law of Corporations.
- Abb. Mo. Ind. Abbott's Monthly Index.

- Abb. N. C.* Abbott's New Cases, New York.
Abb. N. S. Abbott's Practice Reports, New Series.
Abb. N. Y. App. Abbott's New York Court of Appeals Decisions.
Abb. N. Y. Dig. Abbott's New York Digest.
Abb. Nat. Dig. Abbott's National Digest.
Abb. Pr. or Abb. Prac. Abbott's New York Practice Reports.
Abb. Pr. N. S. Abbott's New York Practice Reports, New Series.
Abb. Ship. Abbott (Lord Tenterden) on Shipping.
Abb. Tr. Ev. Abbott's Trial Evidence.
Abb. U. S. Abbott's United States Circuit Court Reports.
Abb. Y. Bk. Abbott's Year Book of Jurisprudence.
Abbott's Dictionary.
Abdy's R. C. P. Abdy's Roman Civil Procedure.
A'Beck. Judg. Vict. A'Beckett's Reserved Judgments of Victoria.
Abr. Abridgment;—Abridged.
Abr. Case. Crawford & Dix's Abridged Cases, Ireland.
Abr. Case. Eq. Equity Cases Abridged (English).
Abr. Cas. Eq. or Abr. Eq. Cas. Equity Cases Abridged, English Chancery.
Abs. Absolute.
Acc. Accord or Agrees.
Act. Acton's Reports, Prize Causes, English Privy Council.
Act. Can. Monro's Acta Cancellariæ.
Act. Pr. C. Acton's Reports, Prize Causes, English Privy Council.
Act. Reg. Acta Regia.
Ad. Cas. Sales. Adams's Cases on the Law of Sales.
Ad. Con. Addison on Contracts.
Ad. E. Adams on Ejectment.
Ad. Eq. Adams's Equity.
Ad fin. Ad finem, at or near the end.
Ad. Jus. Adam's Justiciary Reports (Scotch).
Ad. Rom. Ant. Adams's Roman Antiquities.
Ad. Torts. Addison on Torts.
Ad. & E. or Ad. & Ell. Adolphus & Ellis's English King's Bench Reports.
Ad. & Ell. N. S. Adolphus & Ellis's Reports, New Series;—English Queen's Bench (commonly cited *Q. B.*).
Adams. Adams's Reports, vols. 41, 42 Maine;—Adams's Reports, vol. 1 New Hampshire.
Adams, Eq. Adams's Equity.
Adams, Rom. Ant. Adams, Roman Antiquities.
Add. Addison's Reports, Pennsylvania;—Addams's English Ecclesiastical Reports.
Add. Abr. Addington's Abridgment of the Penal Statutes.
Add. Con. Addison on Contracts.
Add. Eccl. Addams's Ecclesiastical Reports, English.
Add. Pa. Addison's Reports, Pennsylvania.
Add. Torts. Addison on Torts.
Addams. Addams's Ecclesiastical Reports, English.
Addis. Addison's Pennsylvania Reports.
Adj. Adjudged, Adjourned.
Adjournal, Books of. The Records of the Court of Justiciary, Scotland.
Adm. Admiralty.
Adm. & Ecc. Admiralty and Ecclesiastical;—English Law Reports, Admiralty and Ecclesiastical.
Admr. Administrator.
Admx. Administratrix.
Adol. & El. Adolphus & Ellis's Reports, English King's Bench.
Adol. & El. (N. S.). Adolphus & Ellis's Reports, New Series, English Queen's Bench, commonly cited *Q. B.*
Adolph. & E. Adolphus & Ellis's Reports, English King's Bench.
Adolph. & E. N. S. Adolphus & Ellis's Reports, New Series, English Queen's Bench, commonly cited *Q. B.*
Ads. Ad sectam, at suit of.
Adv. Advocate.
Adye C. M. Adye on Courts-Martial.
Aelf. C. Canons of Aelfric.
Agm. Pat. Agnew on Patents.
Agm. St. of Fr. Agnew on the Statute of Frauds.
Agra H. C. Agra High Court Reports, India.
Aik. Aikens's Vermont Reports.
Aikens (Vt.). Aikens's Reports, Vermont.
Ainsw. or Ainsworth. Ainsworth's Lexicon.
Al. Aleyn's Select Cases, English King's Bench;—Alabama;—Allen.
Al. Tel. Cas. Allen's Telegraph Cases, American and English.
Al. & Nap. Alcock & Napier's Reports, Irish King's Bench and Exchequer.
Ala. Alabama;—Alabama Reports.
Ala. N. S. Alabama Reports, New Series.
Ala. Sel. Cas. Alabama Select Cases, by Shepherd, see Alabama Reports, vols. 37, 38 and 39.
Ala. St. Bar Assn. Alabama State Bar Association.
Alaska Co. Alaska Codes, Carter.
Alb. Arb. Albert Arbitration, Lord Cairns's Decisions.
Alb. L. J. or Alb. Law Jour. Albany Law Journal.
Alc. or Alc. Reg. or Alc. Reg. Cas. Alcock's Irish Registry Cases.
Alc. & N. Alcock & Napier's Reports, Irish King's Bench and Exchequer.
Ald. Alden's Condensed Reports, Pennsylvania.
Ald. Hist. Aldridge's History of the Courts of Law.
Ald. Ind. Alden's Index of U. S. Reports.
Ald. & Van Hoes. Dig. Alden & Van Hoesen's Digest, Laws of Mississippi.
Aldr. Cas. Cont. Aldred's Cases on Contracts.
Alex. Cas. Report of "Alexandra" case, by Dudley.
Alex. Ch. Pr. Alexander's Chancery Practice.
Alexander. Alexander's Reports, vols. 66-72 Mississippi.
Aleyn. Aleyn's Select Cases, English King's Bench.
Alis. Prin. Scotch Law. Alison's Principles of the Criminal Law of Scotland.
All. Allen's Massachusetts Reports.
All. N. B. Allen's New Brunswick Reports.
All. Ser. Allahabad Series, Indian Law Reports.
All. Sher. Allen on Sheriffs.
All. Tel. Cas. Allen's Telegraph Cases.
All. & Mor. Tr. Allen & Morris's Trial.
Allen. Allen's Massachusetts Reports;—Allen's Reports, New Brunswick;—Allen's Reports, Washington.
Allen (N. B.). Allen's Reports, New Brunswick Supreme Court.
Allen Tel. Cas. Allen's Telegraph Cases.
Alleyne L. D. of Mar. Alleyne's Legal Degrees of Marriage Considered.
Allin. Allinson, Pennsylvania Superior and District Court.
Alison Prac. Alison's Practice of the Criminal Law of Scotland.
Alison Princ. Alison's Principles of ditto.
Alln. Part. Allnat on Partition.
Am. America, American, or Americana.
Am. Bank. R. or Am. B'kcy Rep. American Bankruptcy Reports.
Am. Bar Asso. American Bar Association.
Am. C. L. J. American Civil Law Journal, New York.
Am. Cent. Dig. American Digest (Century Edition).
Am. Ch. Dig. American Chancery Digest.
Am. Corp. Cas. Withrow's American Corporation Cases.
Am. Cr. Rep. American Criminal Reports.
Am. Crim. Rep. American Criminal Reports, by Hawley.
Am. Cr. Tr. American Criminal Trials. Chandler's.
Am. Dec. American Decisions.
Am. Dig. American Digest.
Am. Dig. Cent. Ed. American Digest (Century Edition).
Am. Dig. Dec. Ed. or Am. Dig. Decen. Ed. American Digest (Decennial Edition).

- Am. El. Ca. or Am. Elec. Ca.* American Electrical Cases.
- Am. Ins. Rep.* American Insolvency Reports.
- Am. Insolv. Rep.* American Insolvency Reports.
- Am. Jour. Pol.* American Journal of Politics.
- Am. Jour. Soc.* American Journal of Sociology.
- Am. Jur.* American Jurist, Boston.
- Am. L. C. R. P.* Sharswood and Budd's Leading Cases on Real Property.
- Am. L. Cas.* American Leading Cases (Hare & Wallace's).
- Am. L. Elect.* American Law of Elections.
- Am. L. J.* American Law Journal (Hall's), Philadelphia.
- Am. L. J. (O.).* American Law Journal, Ohio.
- Am. L. J. N. S.* American Law Journal, New Series, Philadelphia.
- Am. L. M.* American Law Magazine, Philadelphia.
- Am. L. R.* American Law Register, Philadelphia.
- Am. L. Rec.* American Law Record, Cincinnati.
- Am. L. Reg. & Rev.* American Law Register and Review, Philadelphia.
- Am. L. Rep.* American Law Reporter, Davenport, Iowa.
- Am. L. Rev.* American Law Review, St. Louis.
- Am. L. T.* American Law Times, Washington, D. C.
- Am. L. T. Bank.* American Law Times Bankruptcy Reports.
- Am. L. T. R.* American Law Times Reports.
- Am. L. T. R. N. S.* American Law Times Reports, New Series.
- Am. Law Jour.* American Law Journal (Hall's) Philadelphia.
- Am. Law Jour. N. S.* American Law Journal, New Series, Philadelphia.
- Am. Law Mag.* American Law Magazine, Philadelphia.
- Am. Law Rec.* American Law Record, Cincinnati.
- Am. Law Reg.* American Law Register, Philadelphia.
- Am. Law Rep.* American Law Reporter, Davenport, Iowa.
- Am. Law Rev.* American Law Review, St. Louis.
- Am. Law Times.* American Law Times, Washington, D. C.
- Am. Lawyer.* American Lawyer, New York City.
- Am. Lead. Cas.* Hare & Wallace's American Leading Cases.
- Am. Neg. Ca. or Am. Neg. Cas.* American Negligence Cases.
- Am. Neg. Rep.* American Negligence Reports.
- Am. Pl. Ass.* American Pleader's Assistant.
- Am. Pr. Rep.* American Practice Reports, Washington, D. C.
- Am. Prob. or Am. Prob. Rep.* American Probate Reports.
- Am. R.* American Reports.
- Am. R. R. Cas.* American Railway Cases (Smith & Bates').
- Am. R. R. Rep.* American Railway Reports, New York.
- Am. R. R. & C. Rep.* American Railroad and Corporation Reports.
- Am. Rail. Cas.* Smith and Bates's American Railway Cases.
- Am. Rail. R.* American Railway Reports.
- Am. Rep.* American Reports (Selected Cases).
- Am. Ry. Ca.* American Railway Cases.
- Am. Ry. Rep.* American Railway Reports.
- Am. St. P.* American State Papers.
- Am. St. Rep.* American State Reports.
- Am. St. Ry. Dec.* American Street Railway Decisions.
- Am. Them.* American Themis, New York.
- Am. Tr. M. Cas.* Cox's American Trade Mark Cases.
- Am. & Eng. Corp. Cas.* American and English Corporation Cases.
- Am. & Eng. Dec. in Eq.* American and English Decisions in Equity.
- Am. & Eng. Encyc. Law.* American and English Encyclopædia of Law.
- Am. & Eng. Pat. Ca.* American and English Patent Cases.
- Am. & Eng. Pat. Cas.* American and English Patent Cases.
- Am. & Eng. R. Cas.* American and English Railroad Cases.
- Am. & Eng. R. R. Ca.* American and English Railroad Cases.
- Am. & Eng. Ry. Ca.* American and English Railway Cases.
- Amb. or Amb. l.* Ambler's English Chancery Reports.
- Amer.* American;—Amerman, vols. 111-115 Pennsylvania.
- Amer. Jur.* American Jurist.
- Amer. Law.* American Lawyer, New York.
- Amer. Law Reg. (N. S.).* American Law Register, New Series.
- Amer. Law Reg. (O. S.).* American Law Register, Old Series.
- Amer. Law Rev.* American Law Review.
- Amer. & Eng. Enc. Law.* American & English Encyclopædia of Law.
- Ames.* Ames's Reports, vol. 4-7 Rhode Island;—Ames's Reports, vol. 1 Minnesota.
- Ames Cas. B. & N.* Ames's Cases on Bills and Notes.
- Ames Cas. Par.* Ames's Cases on Partnership.
- Ames Cas. Part.* Ames's Cases on Partnership.
- Ames Cas. Pl.* Ames's Cases on Pleading.
- Ames Cas. Sur.* Ames's Cases on Suretyship.
- Ames Cas. Trusts.* Ames's Cases on Trusts.
- Ames, K. & B.* Ames, Knowles & Bradley's Reports, vol. 8 Rhode Island.
- Ames & Sm. Cas. Torts.* Ames & Smith's Cases on Torts.
- Amos Jur.* Amos's Science of Jurisprudence.
- Amos & F. or Amos & F. Fixt.* Amos and Ferrard on Fixtures.
- An.* Anonymous.
- And.* Anderson's Reports, English Common Pleas and Court of Wards;—Andrews's Reports, vols. 63-72 Connecticut;—Andrews's English King's Bench Reports.
- And. Ch. Ward.* Anderson on Church Wardens.
- And. Com.* Anderson's History of Commerce.
- Anders. or Anderson.* Anderson's Reports, English Common Pleas and Court of Wards.
- Andr.* Andrews's Reports, English King's Bench. See also And.
- Andr. Pr.* Andrews's Precedents of Leases.
- Ang.* Angell's Reports, Rhode Island Reports.
- Ang. Adv. Enj.* Angell on Adverse Enjoyment.
- Ang. Ass.* Angell on Assignments.
- Ang. B. T.* Angell on Bank Tax.
- Ang. Carr.* Angell on Carriers.
- Ang. Corp.* Angell and Ames on Corporations.
- Ang. High.* Angell on Highways.
- Ang. Ins.* Angell on Insurance.
- Ang. Lim.* Angell on Limitations.
- Ang. Tide Wat. or Ang. Tide Waters.* Angell on Tide Waters.
- Ang. Water C. or Ang. Water Courses.* Angell on Water Courses.
- Ang. & A. Corp.* Angell and Ames on Corporations.
- Ang. & D. High.* Angell and Durfee on Highways.
- Ang. & Dur. (R. I.).* Angell & Durfee's Rhode Island Reports, vol. 1.
- Ann.* Queen Ann; as 1 Ann. c. 7.
- Ann. C.* Annals of Congress.
- Ann. Cas.* American & English Annotated Cases;—New York Annotated Cases.
- Ann. de la Pro.* Annales de la Propriété Industrielle.
- Ann. de Leg.* Annuaire de Legislation Etrangere, Paris.
- Ann. Jud.* Annuaire Judiciaire, Paris.
- Ann. Reg.* Annual Register, London.
- Ann. Reg. N. S.* Annual Register, New Series, London.
- Ann. St.* Annotated Statutes.
- Annaly.* Annaly's Edition of Hardwicke's Reports, English. Sometimes cited *Cas. temp. Hardw., Lee's Cas. temp. Hard., or Rep. temp. Hard.*
- Anne.* Queen Anne (thus "1 Anne," denotes the first year of the reign of Queen Anne).
- Annes. Ins.* Annesly on Insurance.

- Anon.** Anonymous.
Ans. Contr. or **Anson, Cont.** Anson on Contracts.
Anst. or **Anstr.** Anstruther's Reports, English Exchequer.
Anth. Anthon's New York Nisi Prius Reports;—Anthony's Illinois Digest.
Anth. Abr. Anthon's Abridgment of Blackstone's Commentaries.
Anth. Ill. Dig. Anthony's Illinois Digest.
Anth. L. S. Anthon's Law Student.
Anth. N. P. Anthon's New York Nisi Prius Reports.
Anth. Prec. Anthon's Precedents.
Anth. Shep. Anthon's edition of Sheppard's Touchstone.
Ap. Justin. Apud Justinianum, or Justinian's Institutes.
App. Appeal; — Apposition; — Appendix; — Appleton's Reports, vols. 19, 20 Maine.
App. Cas. Appeal Cases, English Law Reports;—Appeal Cases, United States;—Appeal Cases of the different States;—Appeal Cases, District of Columbia.
[1891] App. Cas. Law Reports, Appeal Cases, from 1891 onward.
App. Cas. (D. C.). Appeal Cases, District of Columbia.
App. Cas. Beng. Sevestre and Marshall's Bengal Reports, India.
App. Cas. Rep. Bradwell's Illinois Appeal Court Reports.
App. Ct. Rep. Bradwell's Illinois Appeal Court Reports.
App. D. C. Appeal Cases, District of Columbia.
App. Div. Appellate Division, New York.
App. Ev. Appleton on Evidence.
App. Jur. Act 1876. Appellate Jurisdiction Act, 1876, 39 & 40 Vict. c. 59.
App. N. Z. Appeal Reports, New Zealand.
App. Rep. Ont. Appeal Reports, Ontario.
App. Bre. Appendix to Breese's Reports.
Appleton. Appleton's Reports, vols. 19, 20 Maine.
Appx. Appendix.
Ar. Arrêté.
Ar. Rep. Argus Reports, Victoria.
Arabin. Decisions of Sergeant Arabin.
Arbuth. Arbuthnot's Select Criminal Cases, Madras.
Arch. Court of Arches, England.
Arch. P. L. Cas. Archbold's Abridgment of Poor Law Cases.
Arch. Sum. Archbold's Summary of Laws of England.
Archb. B. L. Archbold's Bankrupt Law.
Archb. C. P. Archbold's Civil Pleading.
Archb. Civil Pl. Archbold's Civil Pleading.
Archb. Cr. L. Archbold's Criminal Law.
Archb. Cr. P. Archbold's Criminal Pleading.
Archb. Cr. P. by Pom. Archbold's Criminal Pleading, by Pomeroy.
Archb. Crim. Pl. Archbold's Criminal Pleading.
Archb. F. Archbold's Forms.
Archb. F. I. Archbold's Forms of Indictment.
Archb. J. P. Archbold's Justice of the Peace.
Archb. L. & T. Archbold's Landlord and Tenant.
Archb. Landl. & Ten. Archbold's Landlord and Tenant.
Archb. N. P. Archbold's Nisi Prius Law.
Archb. New Pr. or **Archb. N. Prac.** Archbold's New Practice.
Archb. Pr. Archbold's Practice.
Archb. Pr. by Ch. Archbold's Practice, by Chitty.
Archb. Pr. C. P. Archbold's Practice, Common Pleas.
Archb. Pr. K. B. Archbold's Practice, King's Bench.
Archb. Sum. Archbold's Summary of the Laws of England.
Archer. Archer's Reports, Florida Reports, vol. 2.
Arg. Arguendo, in arguing, in the course of reasoning.
Arg. Fr. Merc. Law. Argles (Napoleon), Treatise upon French Mercantile Law, etc.
Arg. Inst. Institution au Droit Français, par M. Argou.
Arg. Rep. Reports printed in Melbourne Argus, Australia.
Ariz. Arizona;—Arizona Reports.
Ark. Arkansas;—Arkansas Reports;—Arkley's Justiciary Reports, Scotland.
Ark. L. J. Arkansas Law Journal, Fort Smith.
Ark. Rev. Sts. Arkansas Revised Statutes.
Arkcl. or **Arkley.** Arkley's Justiciary Reports, Scotland.
Arms. Br. P. Cas. Armstrong's Breach of Privilege Cases, New York.
Arms. Con. Elec. Armstrong's New York Contested Elections.
Arms. Elect. Cas. Armstrong's Cases of Contested Elections, New York.
Arms. M. & O. or **Arms. Mac. & Og.** Armstrong, Macartney & Ogle's Irish Nisi Prius Reports.
Arms. Tr. Armstrong's Limerick Trials, Ireland.
Arn. Arnold's English Common Pleas Reports;—Arnot's Criminal Trials, Scotland.
Arn. El. Cas. Arnold's Election Cases, English.
Arn. Ins. Arnould on Marine Insurance.
Arn. & H. or **Arn. & Hod.** Arnold & Hodges's English Queen's Bench Reports.
Arn. & H. B. C. Arnold and Hodges's English Bail Court Reports.
Arn. & Hod. B. C. Arnold & Hodges's English Bail Court Reports.
Arn. & Hod. Pr. Cas. Arnold & Hodges's Practice Cases, English.
Arnold. Arnold's Common Pleas Reports, English.
Arnot. Arnot's Criminal Cases, Scotland.
Arnot Cr. C. Arnot's Criminal Cases, Scotland.
Art. Article.
Artic. Cleri. Articles of the clergy.
Articuli sup. Chart. Articles upon the charters.
Ashe. Ashe's Tables to the Year Books (or to Coke's Reports;—or to Dyer's Reports).
Ashl. Cas. Cont. Ashley's Cases on Contracts.
Ashm. Ashmead's Pennsylvania Reports.
Ashton. Ashton's Reports, vols. 9-12 Opinions of the United States Attorneys General.
Ashurst MS. Ashurst's Paper Books, Lincoln's Inn Library;—Ashurst's Manuscript Reports, printed in vol. 2 Chitty.
Aso & Man. Inst. Aso and Manuel's Institutes of the Laws of Spain.
Asp. Aspinall, English Admiralty.
Asp. Cas. or **Asp. Rep.** English Maritime Law Cases, new series by Aspinall.
Asp. M. C. Aspinall's Maritime Cases.
Asp. Mar. L. Cas. Aspinall's Maritime Law Cases.
Ass. Book of Assizes;—Liber Assissarium, Part 5 of the Year Books.
Ass. de Jerus or **Ass. Jerus.** Assizes of Jerusalem.
Ast. Ent. Aston's Entries.
Atch. Atcheson's Reports, Navigation and Trade, English.
Ath. Mar. Set. or **Ath. Mar. Sett.** Atherly on Marriage Settlements.
Atk. Atkyn's English Chancery Reports.
Atk. Ch. Pr. Atkinson's Chancery Practice.
Atk. Con. Atkinson on Conveyancing.
Atk. P. T. Atkyn's Parliamentary Tracts.
Atk. Sher. Atkinson on Sheriffs.
Atk. Tit. or **Atk. M. T.** Atkinson on Marketable Titles.
Atl. Atlantic Reporter.
Atl. Mo. Atlantic Monthly.
Atl. R. or **Atl. Rep.** Atlantic Reporter.
Ats. At suit of.
Atty. Attorney.
Atty. Gen. Attorney-General.
Atty. Gen. Op. Attorney-Generals' Opinions, United States.
Atty. Gen. Op. N. Y. Attorney-Generals' Opinions, New York.
Atw. or **Atwater.** Atwater's Reports, vol. 1 Minnesota.
Auch. Auchinleck's Manuscript Cases, Scotch Court of Session.
Auct. Reg. & L. Chron. Auction Register and Law Chronicle.
Aul. Gel. Noctes Atticæ. Aulus Gellius, Noctes Atticæ.

- Aus. Jur.* Australian Jurist, Melbourne.
Aust. Austin's English County Court Cases;—Australia.
Aust. Jur. or Aust. Juris. Austin's Province of Jurisprudence.
Aust. Jur. Abr. Austin's Lectures on Jurisprudence, abridged.
Aust. L. T. Australian Law Times.
Austin (Ceylon). Austin's Ceylon Reports.
Austin C. C. or Austin C. C. R. Austin's English County Court Reports.
Austr. Jur. Australian Jurist, Melbourne.
Austr. L. T. Australian Law Times, Melbourne.
Auth. Authentica, in the authentic; that is, the Summary of some of the Novels in the Civil Law inserted in the Code under such a title.
Av. & H. B. Law. Avery and Hobb's Bankrupt Law of the United States.
Ayck. Ch. F. Ayckbourn's Chancery Forms.
Ayck. Ch. Pr. Ayckbourn's Chancery Practice.
Ayl. Pan. See Ayliffe.
Ayl. Pand. See Ayliffe.
Ayl. Par. See Ayliffe.
Ayliffe. Ayliffe's Pandects;—Ayliffe's *Parergon Juris Canonici Angelicani*.
Ayliffe Parerg. See Ayliffe.
Azuni Mar. Law. Azuni on Maritime Law.
B. Bancus; the Common Bench; the back of a leaf; Book.
B. B. Bail Bond; Bayley on Bills.
B. Bar. Bench and Bar, Chicago.
B. C. Bail Court;—Bankruptcy Cases;—Bell's Commentaries on the Laws of Scotland.
B. C. C. Bail Court Reports (Saunders & Cole);—Bail Court Cases (Lowndes & Maxwell);—Brown's Chancery Cases.
B. Ch. Barbour's Chancery Reports, New York.
B. C. R. or B. C. Rep. Saunders & Cole's Bail Court Reports, English;—British Columbia Reports.
B. D. & O. Blackham, Dundas & Osborne's Nisi Prius Reports, Ireland.
B. Ecc. Law. Burns's Ecclesiastical Law.
B. Just. Burns's Justice.
B. L. R. Bengal Law Reports.
B. L. T. Baltimore Law Transcript.
B. M. Burrow's Reports *tempore* Mansfield;—Ben Monroe's Reports, Kentucky;—Moore's Reports, English.
B. Mon. Ben Monroe's Reports, Kentucky.
B. Moore. Moore's Reports, English.
B. N. C. Bingham's New Cases, English Common Pleas;—Brooke's New Cases, English King's Bench;—Busbee's North Carolina Law Reports.
B. N. P. Buller's Nisi Prius.
B. P. B. Buller's Paper Book, Lincoln's Inn Library. See *A. P. B.*
B. P. C. Brown's Parliamentary Cases.
B. P. L. Cas. Bott's Poor Law Cases.
B. P. N. R. Bosanquet & Puller's New Reports, English Common Pleas.
B. P. R. Brown's Parliamentary Reports.
B. R. American Law Times Bankruptcy Reports;—*Bancus Regis*; the King's Bench;—Bankruptcy Reports;—Bankruptcy Register, New York;—National Bankruptcy Register Reports.
B. R. Act. Booth's Real Action.
B. Reg. Bankruptcy Register, New York.
B. R. H. Cases in King's Bench, *temp.* Hardwicke.
B. S. Upper Bench.
B. Tr. Bishop's Trial.
B. & A. Barnewall & Adolphus's English King's Bench Reports;—Barnewall & Alderson's English King's Bench Reports;—Baron & Arnold's English Election Cases;—Baron & Austin's English Election Cases;—Banning & Arden's Patent Cases.
B. & Ad. or Adol. Barnewall & Adolphus's English King's Bench Reports.
B. & Ald. Barnewall & Alderson's English King's Bench Reports.
B. & Arn. Barron & Arnold's Election Cases.
B. & Aust. Barron and Austin's Election Cases, English.
B. & B. Broderip & Bingham's English Common Pleas Reports;—Ball & Beatty's Irish Chancery Reports;—Bowler & Bowers, vols. 2, 3 United States Comptroller's Decisions.
B. & Bar. The Bench and Bar, Chicago.
B. & C. Barnewall & Cresswell's English King's Bench Reports.
B. & D. Benloe & Dalison, English.
B. & F. Broderip & Fremantle's English Ecclesiastical Reports.
B. & H. Blatchford & Howland's United States District Court Reports.
B. & H. Dig. Bennett & Heard's Massachusetts Digest.
B. & H. Lead. Cas. Bennett & Heard's Leading Cases on Criminal Law.
B. & I. Bankruptcy and Insolvency Cases.
B. & L. Browning & Lushington's Reports, English Admiralty.
B. & L. Prec. Bullen & Leake's Precedents of Pleading.
B. & M. or B. & Macn. Browne & Macnamara's Reports, English.
B. & P. Bosanquet & Puller's English Common Pleas Reports.
B. & P. N. R. Bosanquet & Puller's New Reports, English.
B. & S. Best & Smith's English Queen's Bench Reports.
B. & V. Beling & Vanderstraaten's Reports, Ceylon.
Ba. & Be. Ball & Beatty's Irish Chancery Reports.
Bab. Auc. Babington on Auctions.
Bab. Set-off. Babington on Set-off.
Bac. Abr. Bacon's Abridgment.
Bac. Aph. or Bac. Aphorisms. Bacon's (Sir Francis) Aphorisms.
Bac. Comp. Arb. Bacon's Complete Arbitration.
Bac. Dig. Bacon's Georgia Digest.
Bac. El. Bacon's Elements of the Common Law.
Bac. Gov. Bacon on Government.
Bac. Ir. Bacon (Sir Francis), Law Tracts.
Bac. Law Tr. Bacon's Law Tracts.
Bac. Lease. Bacon on Leases and Terms of Years.
Bac. Lib. Reg. Bacon's *Liber Regis, vel Thesaurus Rerum Ecclesiasticarum*.
Bac. M. or Bac. Maz. Bacon's Maxims.
Bac. Read. Uses. Bacon (Sir Francis), Reading upon the Statute of Uses.
Bac. St. Uses or Bac. U. Bacon (Sir Francis), Reading upon the Statute of Uses.
Bac. Works. Bacon's (Sir Francis), Works.
Bäch. Bach's Reports, vols. 19-21 Montana.
Bach. Man. Bache's Manual of a Pennsylvania Justice of the Peace.
Bacon. Bacon's Abridgment;—Bacon's Aphorisms;—Bacon's Complete Arbitrator;—Bacon's Elements of the Common Law;—Bacon on Government;—Bacon's Law Tracts;—Bacon on Leases and Terms of Years;—Bacon's Maxims;—Bacon on Uses.
Bag. C. Pr. Bagley's Chamber Practice.
Bage. Const. Bagehot on the English Constitution.
Bagl. Bagley's Reports, vols. 16-19 California.
Bagl. & H. Bagley & Harmen's Reports, California.
Bail. Bailey's Law Reports, South Carolina.
Bail Ct. Cas. Lowndes & Maxwell's English Bail Court Cases.
Bail Ct. Rep. Saunders & Cole's English Bail Court Reports;—Lowndes & Maxwell's English Bail Court Cases.
Bail. Dig. Bailey's North Carolina Digest.
Bail. Eq. Bailey's Equity Reports, South Carolina.
Bailey. Bailey's Law Reports, South Carolina.
Bailey Ch. or Bailey Eq. Bailey's Equity Reports, South Carolina.
Baill. Dig. Baillie's Digest of Mohammedan Law.
Bain. M. & M. or Baind. Mines. Bainbridge on Mines and Minerals.
Bak. Bur. Baker's Law Relating to Burials.
Bak. Corp. Baker on Corporations.
Baker, Quar. Baker's Law of Quarantine.
Bald. Baldwin's United States Circuit Court Reports;—Baldus (Commentator on the Code);—Baldasseroni (on Maritime Law).

Bald. App. 11 Pet. Baldwin's Appendix to 11 Peters.

Bald. C. C. Baldwin's United States Circuit Court Reports.

Bald. Con. or Bald. C. V. Baldwin on the Constitution.

Baldw. Dig. Baldwin's Connecticut Digest.

Balf. Balfour's Practice of the Law of Scotland.

Balf. Cas. Tort. Balf's Cases on Torts.

Ball. Lim. Ballantine on Limitations.

Ball & B. Ball & Beatty's Reports, Irish Chancery.

Balt. L. Tr. Baltimore Law Transcript.

Banc. Sup. Bancus Superior, or Upper Bench.

Bank. and Ins. R. Bankruptcy and Insolvency Reports, English.

Bank. Ct. Rep. Bankrupt Court Reports, New York;—The American Law Times Bankruptcy Reports are sometimes thus cited.

Bank. I. or Bank Inst. Banker's Institutes of Scottish Law.

Bank. Reg. National Bankruptcy Register, New York.

Bank. Rep. American Law Times Bankruptcy Reports.

Bank. & Ins. or Bank. & Ins. R. Bankruptcy and Insolvency Reports, English.

Banker's Law J. Banker's Law Journal.

Banker's Mag. Banker's Magazine, New York.

Banker's Mag. (Lon.). Banker's Magazine, London.

Banks. Banks' Reports, vols. 1-5 Kansas.

Bann. Bannister's Reports, English Common Pleas.

Bann. Br. Bannister's edition of O. Bridgman's English Common Pleas Reports.

Bann. Lim. Banning on Limitation of Action.

Bann. & A. or Bann. & A. Pat. Ca. Banning and Arden's Patent Cases.

Bar. Barnardiston's English King's Bench Reports;—Barnardiston's Chancery;—Bar Reports in all the Courts, English;—Barbour's Supreme Court Reports, New York;—Barrows's Reports, vol. 18 Rhode Island.

Bar. Ch. or Chy. Barnardiston's English Chancery Reports.

Bar Ex. Jour. Bar Examination Journal, London.

Bar. Mag. Barrington's Magna Charta.

Bar. N. Barnes's Notes, English Common Pleas Reports.

Bar. Obs. St. Barrington's Observations upon the Statutes from Magna Charta to 21 James I.

Bar. & Ad. Barnewall & Adolphus's English King's Bench Reports.

Bar. & Ald. Barnewall & Alderson's English King's Bench Reports.

Bar. & Arn. Barron & Arnold's English Election Cases.

Bar. & Aust. or Au. Barron & Austin's English Election Cases.

Bar. & Cr. Barnewall & Cresswell's English King's Bench Reports.

Barb. Barbour's Supreme Court Reports, New York;—Barber's Reports, vols. 14-24 Arkansas.

Barb. Abs. Barbour's Abstracts of Chancellor's Decisions, New York.

Barb. App. Dig. Barber's Digest, New York.

Barb. Ark. Barber's Reports, vols. 14-24 Arkansas.

Barb. Ch. Barbour's Chancery Reports, New York.

Barb. Ch. Pr. Barbour's Chancery Practice (Text Book).

Barb. Cr. P. Barbour's Criminal Pleadings.

Barb. Dig. Barber's Digest of Kentucky.

Barb. Grot. Grotius on War and Peace, Notes by Barbeyrac.

Barb. on Set-off. Barbour on Set-off.

Barb. Puff. Puffendorf's Law of Nature and Nations, Notes by Barbeyrac.

Barb. S. C. Barbour's Supreme Court Reports, New York.

Barbc. or Barber. Barber's Reports, Arkansas. See Barb. Ark.

Barc. Dig. Barclay's Missouri Digest.

Barl. Elect. Cas. Bartlett's Congressional Election Cases.

Barn. Barnardiston's English King's Bench Reports;—Barnes's English Common Pleas Reports;—Barnfield's Reports, vols. 19-20, Rhode Island.

Barn. Ch. Barnardiston's Chancery Reports, English.

Barn. No. Barnes's Note of Cases, English Common Pleas.

Barn. Sh. Barnes's Sheriff.

Barn. & A. Barnewall & Alderson's English King's Bench Reports.

Barn. & Ad. or Barn. & Adol. Barnewall & Adolphus' English King's Bench Reports.

Barn. & Ald. Barnewall & Alderson's English King's Bench Reports.

Barn. & C. or Barn. & Cr. or Barn. & Cress. Barnewall & Cresswell's English King's Bench Reports.

Barnard. Ch. Barnardiston's Chancery Reports.

Barnard. K. B. Barnardiston's King's Bench Reports.

Barnes. Barnes's Practice Cases, English.

Barnes, N. C. Barnes's Notes of Cases in Common Pleas.

Barnet. Barnet's Reports, vols. 27-29 English Central Criminal Courts Reports.

Barnf. & S. Barnfield and Stiness's Reports, vol. 20. Rhode Island.

Barrow. Dig. Barnewall's Digest of the Year Books.

Barr. Barr's Reports, vols. 1-10 Pennsylvania State;—Barrows's Reports, vol. 18 Rhode Island;—Barr Reports, in all the courts, English.

Barr. Ob. St. or Barr. St. Barrington's Observations upon the Statutes from Magna Charta to 21 James I.

Barr. Ten. Barry on Tenures.

Barr. & Arn. Barron & Arnold's Election Cases, English.

Barr. & Aus. Barron & Austin's Election Cases, English.

Barring. Obs. St. or Barring. St. Barrington's Observations upon the Statutes from Magna Charta to 21 James I.

Barron Mir. Barron's Mirror of Parliament.

Barrows. Barrows's Reports, vol. 18 Rhode Island.

Barry Ch. Jur. Barry's Chancery Jurisdiction.

Barry Conv. Barry on Conveyancing.

Bart. Conv. Barton's Elements of Conveyancing.

Bart. El. Cas. Bartlett's Congressional Election Cases.

Bart. Eq. Barton's Suit in Equity.

Bart. Prec. Barton's Precedents of Conveyancing.

Bat. Dig. Battle's Digest, North Carolina.

Bat. Sp. Per. Batten on Specific Performance.

Batcm. Ag. Bateman on Agency.

Batem. Auct. Bateman on the Law of Auctions.

Batem. Comm. L. Bateman's Commercial Law.

Batem. Const. L. Bateman's Constitutional Law.

Batem. Ex. L. Bateman's Excise Laws.

Bates Ch. Bates's Chancery Reports, Delaware.

Bates Dig. Bates's Digest, Ohio.

Batt. or Batty. Batty's Irish King's Bench Reports.

Baum. Baum on Rectors, Church Wardens, and Vestrymen.

Bax. or Bart. Baxter's Reports, vols. 60-68 Tennessee.

Bay. Bay's South Carolina Reports;—Bay's Reports, vols. 1, 2, and 5-8 Missouri.

Bay (Mo.). Bay's Reports, Missouri.

Bayl. Bill. Bayley on Bills.

Bayl. Ch. Pr. Bayley's Chancery Practice.

Bea. C. E. Beame's Costs in Equity.

Bea. Eq. Pl. Beame's Equity Pleading.

Bea. Ne Execut. Beame on the Writ of Ne Execut.

Bea. Ord. Beame's Orders in Chancery.

Bea. Pl. Eq. Beame's Pleas in Equity.

Beach. Rec. Beach on the Law of Receivers.

Beas. Beasley's Reports, New Jersey Equity.

Beat. or Beatt. or Beatty. Beatty's Irish Chancery Reports.

Beaum. B. of S. Beaumont on Bills of Sale.

Beaum. Ins. Beaumont on Insurance.

Beav. Beavan's Chancery Reports, English Rolls Court.

Beav. R. & C. Cas. English Railway and Canal Cases, by Beavan and others.

Beav. & Wal. Ry. Cas. Beavan & Walford's Railway and Canal Cases, England.

Beaw. or Beaw. Lex Merc. Beawes's Lex Mercatoria.

Beawes. Beawes's Lex Mercatoria.

Becc. Cr. Beccaria on Crimes and Punishments.

Beck. Beck's Reports, vols. 12-16 Colorado; also vol. 1 Colorado Court of Appeals.

Beck, Med. Jur. or Beck's Med. Jur. Beck's Medical Jurisprudence.

Bedell. Bedell's Reports, vols. 163-191 New York.

Bee. Bee's United States District Court Reports.

Bee Adm. Bee's Admiralty. An Appendix to Bee's District Court Reports.

Bee C. C. R. Bee's Crown Cases Reserved, English.

Beebe Cit. Beebe's Ohio Citations.

Bel. Bellewe's English King's Bench Reports temp. Richard II;—Bellasis's Bombay Reports;—Belting's Ceylon Reports;—Bellinger's Reports, vols. 4-8 Oregon.

Beling. Beling's Ceylon Reports.

Beling & Van. (Ceylon). Beling & Vander Straalen's Ceylon Reports.

Bell. Bell's Dictionary and Digest of the Laws of Scotland;—Bell's English Crown Cases Reserved;—Bell's Scotch Appeal Cases;—Bell's Scotch Session Cases;—Bell's Calcutta Reports, India;—Bellewe's English King's Bench Reports temp. Richard II;—Brooke's New Cases, by Bellewe;—Bellinger's Reports, vols. 4-8 Oregon;—Bellasis's Bombay Reports.

Bell Ap. Ca. or Bell Ap. Cas. or Bell App. Cas. Bell's Scotch Appeals.

Bell Cas. Bell's Cases, Scotch Court of Session.

Bell Cas. t. H. VIII. Brooke's New Cases (collected by Bellewe).

Bell Cas. t. R. II. Bellewe's English King's Bench Reports (time of Richard II).

Bell C. C. Bell's English Crown Cases Reserved;—Bellasis's Civil Cases, Bombay;—Bellasis's Criminal Cases, Bombay.

Bell C. Cas. Bellasis's Civil Cases, Bombay; Bellasis's Criminal Cases, Bombay.

Bell C. H. C. Bell's Reports, Calcutta High Court.

Bell Com. or Bell Comm. Bell's Commentaries on the Laws of Scotland.

Bell Cr. C. Bell's English Crown Cases;—Beller's Criminal Cases, Bombay.

Bell C. T. Bell on Completing Titles.

Bell Del. U. L. Beller's Delineation of Universal Law.

Bell, Dict. Bell's Dictionary and Digest of the Laws of Scotland.

Bell Dict. Dec. Bell's Dictionary of Decisions, Court of Session, Scotland.

Bell El. L. Bell's Election Law of Scotland.

Bell fol. Bell's folio Reports, Scotch Court of Session.

Bell H. C. or Bell H. C. Cal. Bell's Reports, High Court of Calcutta.

Bell H. L. or Bell, H. L. Sc. Bell's House of Lord's Cases, Scotch Appeals.

Bell H. & W. Bell on Husband and Wife.

Bell Illus. Bell's Illustration of Principles.

Bell (In.). Bell's Reports, India.

Bell L. Bell on Leases.

Bell Med. L. J. Bell's Medico Legal Journal.

Bell Notes. Bell's Supplemental Notes to Hume on Crimes.

Bell Oct. or Svo. Bell's octavo Reports, Scotch Court of Session.

Bell. (Or.). Bellinger's Reports, Oregon.

Bell P. C. Bell's Cases in Parliament, Scotch Appeals.

Bell Prin. Bell's Principles of the Law of Scotland.

Bell Put. Mar. Bell's Putative Marriage Cases, Scotland.

Bell S. Bell on Sales.

Bell Sc. App. Bell's Appeals to House of Lords from Scotland.

Bell Sc. Dig. Bell's Scottish Digest.

Bell Ses. Cas. or Bell Sess. Cas. Bell's Cases in the Scotch Court of Session.

Bell Styles. Bell's System of the Forms of Deeds.

Bell T.D. Bell on the Testing of Deeds.

Bellasis. Bellasis's Criminal (or Civil) Cases, Bombay.

Bellewe. Bellewe's English King's Bench Reports.

Bellewe Cas. Bellewe's Cases, temp. Henry VIII.; Brooke's New Cases; Petit Brooke.

Llellewe t. H. VIII. Brooke's New Cases (collected by Bellewe).

Bellinger. Bellinger's Reports, vols. 4-8 Oregon.

Bellingh. Tr. Report of the Bellingham Trial.

Belt Bro. Belt's edition of Brown's Chancery Reports.

Belt Sup. or Belt Sup. Ves. Belt's Supplement to Vesey Senior's English Chancery Reports.

Belt Ves. Sen. Belt's edition of Vesey Senior's English Chancery Reports.

Ben. Benedict's United States District Court Reports.

Ben. Adm. Benedict's Admiralty Practice.

Ben. Av. Benecke on Average.

Ben. F. I. Cas. Bennett's Fire Insurance Cases.

Ben. Ins. Cas. Bennett's Insurance Cases.

Ben. Just. Benedict on Justices of the Peace.

Ben. Mon. Ben Monroe's Reports, Kentucky.

Ben. & Dal. Benloe & Dalison's English Common Pleas Reports.

Ben. & H. L. C. Bennett & Heard's Leading Criminal Cases.

Ben. & S. Dig. Benjamin & Slidell's Louisiana Digest.

Bench & B. Bench and Bar (periodical), Chicago.

Bendl. or Bendloe. Bendloe (see Benl.);—Bendloe's or New Benloe's Reports, English Common Pleas, Edition of 1661.

Bened. Benedict's United States District Court Reports.

Benet Ct. M. Benet on Military Law and Courts Martial.

Beng. L. R. Bengal Law Reports, India.

Beng. S.D. or Beng. S. D. A. Bengal Sudder Dewany Adawlut Reports, India.

Benj. Benjamin. New York Annotated Cases.

Benj. Chalm. Bills & N. Benjamin's Chalmers's Bills and Notes.

Benj. Sales. Benjamin on Sales.

Benl. Benloe's or Bendloe's English King's Bench Reports; Benloe's English Common Pleas Reports.

Benl. in Ashe. Benloe at the end of Ashe's Tables.

Benl. in Keil. Benloe or Bendloe in Keilway's Reports.

Benl. New. Benloe's Reports, English Common Pleas, Ed. of 1661;—Benloe's Reports, English King's Bench.

Benl. Old. Benloe's Reports, English Common Pleas, of Benloe & Dalison, Ed. of 1689.

Benl. & Dal. Benloe & Dalison's Common Pleas Reports.

Benn. Cal. Bennett's Reports, vol. 1 California.

Benn. (Dak.). Bennett's Dakota Reports.

Benn. Diss. Bennett's Dissertation on the Proceedings in the Master's Office in the Court of Chancery of England, sometimes cited *Benn. Prac.*

Benn. F. I. Cas. or Benn. Fire Ins. Cas. Bennett's Fire Insurance Cases.

Benn. (Mo.). Bennett's Reports, Missouri.

Benn. Prac. See *Benn. Diss.*

Benn. & H. Cr. Cas. Bennett & Heard's Leading Criminal Cases.

Benn. & H. Dig. Bennett & Heard's Massachusetts Digest.

Benne. Reporter of vol. 7, Modern Reports.

Bennett. Bennett's Reports, vol. 1 California;—Bennett's Reports, vol. 1 Dakota;—Bennett's Reports, vols. 16-21 Missouri.

Bennett M. See *Benn. Diss.*

Bent. Bentley's Reports, Irish Chancery.

Benth. Ev. or Benth. Jud. Ev. Bentham on Rationale of Judicial Evidence.

Benth. Leg. Bentham on Theory of Legislation.

Bentl. Atty.-Gen. Bentley's Reports, vols. 13-19 Attorneys-General's Opinions.

Beor. Queensland Law Reports.

Ber. Berton's New Brunswick Reports.

Bern. Bernard's Church Cases, Ireland.

- Berry.* Berry's Reports, vols. 1-28 Missouri Court of Appeals.
- Bert.* Berton's Reports, New Brunswick.
- Besson Prec.* Besson's New Jersey Precedents.
- Best Ev.* Best on Evidence.
- Best Pres.* Best on Presumptions.
- Best & S. or Best & Sm.* Best & Smith's English Queen's Bench Reports.
- Betts Adm. Pr.* Betts's Admiralty Practice.
- Bett's Dec.* Blatchford and Howland's United States District Court Reports;—Olcott's United States District Court Reports.
- Bev. (Ceylon).* Beven's Ceylon Reports.
- Bev. Hom.* Bevill on Homicide.
- Bev. Pat.* Bevill's Patent Cases, English.
- Bev. & M.* Bevin & Mill's Reports, Ceylon.
- Beven.* Beven's Ceylon Reports.
- Bibb.* Bibb's Reports, Kentucky.
- Bick. or Bick. & H. or Bick. & Hawl.* Bicknell & Hawley's Reports, vols. 10-20 Nevada.
- Bick. (In.).* Bicknell's Reports, India.
- Bick. & H. or Bick. & Hawl. (Nev.).* Bicknell & Hawley's Nevada Reports.
- Biddle Retro. Leg.* Biddle on Retrospective Legislation.
- Big.* Bignell's Reports, India.
- Big. Bills & N.* Bigelow on Bills and Notes.
- Big. Cas.* Bigelow's Cases, William I. to Richard I.
- Big. Eq.* Bigelow on Equity.
- Big. Estop.* Bigelow on Estoppel.
- Big. Frauds.* Bigelow on Frauds.
- Big. Jarm. Wills.* Bigelow's Edition of Jarman on Wills.
- Big. Lead. Cas.* Bigelow's Leading Cases on Torts.
- Big. L. I. Cas. or Big. L. & A. Ins. Cas.* Bigelow's Life and Accident Insurance Cases.
- Big. Ov. Cas. or Big. Over-ruled Cas.* Bigelow's Over-ruled Cases.
- Big. Plac. or Big. Placita.* Bigelow's Placita Anglo-Normannica.
- Bigelow, Estop.* Bigelow on Estoppel.
- Bigg Cr. L.* Bigg's Criminal Law.
- Bign.* Bignell's Indian Reports.
- Bib. Ord.* Ordinances of Bilbao.
- Bill. Aw.* Billing on the Law of Awards.
- Bin.* Binney's Pennsylvania Reports.
- Bin. Dig.* Binmore's Digest, Michigan.
- Bing.* Bingham's Reports, English Common Pleas.
- Bing. Des.* Bingham on Descent.
- Bing. Inf.* Bingham on Infancy.
- Bing. Judg.* Bingham on Judgments and Executions.
- Bing. L. & T.* Bingham on Landlord and Tenant.
- Bing. N. C.* Bingham's New Cases, English Common Pleas.
- Bing. & Colv. Rents.* Bingham & Colvin on Rents, etc.
- Binn.* Binney's Pennsylvania Reports.
- Binn Jus.* Binn's Pennsylvania Justice.
- Bird Conv.* Bird on Conveyancing.
- Bird L. & T.* Bird on Landlord and Tenant.
- Bird Sol. Pr.* Bird's Solution of Precedents of Settlements.
- Birds. St.* Birdseye's Statutes, New York.
- Biret de l'Abs.* Traite de l'Absence et de ses effets, par M. Biret.
- Biret, Vocab.* Biret, Vocabulaire des Cinq Codes, ou definitions simplifiees des termes de droit et de jurisprudence exprimes dan ces codes.
- Bis.* Bissell's United States Circuit Court Reports.
- Bish. Contr.* Bishop on Contracts.
- Bish. Cr. L. or Bish. Cr. Law.* Bishop on Criminal Law.
- Bish. Crim. Proc. or Bish. Cr. Proc.* Bishop on Criminal Procedure.
- Bish. Mar. & D. or Bish. Mar. & Div.* Bishop on Marriage and Divorce.
- Bish. Mar. Wom.* Bishop on Married Women.
- Bish. St. Cr. or Bish. St. Crimes.* Bishop on Statutory Crimes.
- Bishop Dig.* Bishop's Digest, Montana.
- Bisp. Eq. or Bisph. Eq.* Bispham's Equity.
- Biss. or Bis.* Bissell's United States Circuit Court Reports.
- Biss. Est. or Biss. Life Est.* Bissett on Estates for Life.
- Biss. Part.* Bissett on Partnership.
- Bitt. or Bitt. Chamb. Rep.* Bittleston's Chamber Reports, England.
- Bitt. Pr. Cas.* Bittleston's English Practice Cases.
- Bitt. W. & P.* Bittleston, Wise & Parnell's Reports, vols. 2, 3 New Practice Cases.
- Bk.* Black's United States Supreme Court Reports.
- Bk. Judg.* Book of Judgments by Townsend.
- Bl.* Black's United States Supreme Court Reports;—Blatchford's United States Circuit Court Reports;—Blackford's Indiana Reports;—Henry Blackstone's English Common Pleas Reports;—W. Blackstone's English King's Bench Reports;—Blackstone.
- Bl. C. C.* Blatchford's United States Circuit Court Reports.
- Bl. Com. or Bl. Comm.* Blackstone's Commentaries.
- Bl. D.* Blount's Law Dictionary.
- Bl. Dict.* Black's Dictionary.
- Bl. D. & O.* Blackham, Dundas & Osborne's Irish Nisi Prius Reports.
- Bl. H.* Henry Blackstone's English Common Pleas Reports.
- Bl. Judgm.* Black on Judgments.
- Bl. Law Tracts.* Blackstone's Law Tracts.
- Bl. L. D.* Blount's Law Dictionary.
- Bl. L. T.* Blackstone's Law Tracts.
- Bl. Pr. Ca. or Bl. Prize or Bl. Pr. Cas.* Blatchford's Prize Cases.
- Bl. R. or Bl. W.* Sir William Blackstone's English King's Bench Reports.
- Bl. & H.* Blatchford & Howland's United States District Court Reports;—Blake & Hedges's Reports, vols. 2-3 Montana.
- Bl. & How.* Blatchford & Howland's Admiralty Reports, U. S. Dist. Court, Southern Dist. of N. Y.
- Bl. & W. Mines.* Blanchard & Weeks's Leading Cases on Mines.
- Bla. Ch.* Bland's Maryland Chancery Reports.
- Bla. Com.* Blackstone's Commentaries.
- Bla. H.* Henry Blackstone's English Common Pleas Reports.
- Bla. R. or Bla. W.* Sir William Blackstone's Reports English King's Bench.
- Black.* Black's United States Supreme Court Reports;—Black's Reports, vols. 30-53 Indiana;—H. Blackstone's English Common Pleas Reports;—W. Blackstone's English King's Bench Reports;—Blackford's Indiana Reports.
- Black. Cond. Rep.* Blackwell's Condensed Illinois Reports.
- Black, Const. Law.* Black on Constitutional Law.
- Black, Const. Prohib.* Black's Constitutional Prohibitions.
- Black. D. & O.* Blackham, Dundas & Osborne's Irish Nisi Prius Reports.
- Black. H.* Henry Blackstone's English Common Pleas Reports.
- Black. (Ind.).* Black's Reports, Indiana Reports, vols. 30-53.
- Black, Interp. Laws.* Black on Interpretation of Laws.
- Black, Intox. Liq.* Black on Intoxicating Liquors.
- Black, Judgm.* Black on Judgments.
- Black. Jus.* Blackerby's Justices' Cases.
- Black. R.* Black's United States Supreme Court Reports;—W. Blackstone's English King's Bench Reports. See Black.
- Black. S.* Blackburn on Sales.
- Black Ship. Ca.* Black's Decisions in Shipping Cases.
- Black, Tax Titles or Black T. T.* Black on Tax Titles.
- Black. W.* W. Blackstone's English King's Bench Reports.
- Blackf.* Blackford's Reports, Indiana.
- Blackst. Com.* Blackstone's Commentaries.
- Blackst. R.* Wm. Blackstone's Reports, English.
- Blackw. Cond.* Blackwell's Condensed Reports, Illinois.

Blak. Ch. Pr. Blake's Chancery Practice, New York.

Blake. Blake's Reports, vol. 1 Montana.

Blake & H. Blake and Hedges's Reports, vols. 2-3 Montana.

Blan. Annu. Blaney on Life Annuities.

Blan. Lim. Blanshard on Limitations.

Blanc. & W. L. C. Blanchard & Week's Leading Cases on Mines, etc.

Bland or Bland's Ch. Bland's Maryland Chancery Reports.

Blatchf. Blatchford's United States Circuit Court Reports—United States Appeals.

Blatchf. Pr. Ca. or Blatchf. Pr. Cas. Blatchford's Prize Cases.

Blatchf. & H. Blatchford & Howland's United States District Court Reports.

Bleck. or Bleckley. Bleckley's Reports, vols. 34, 35 Georgia.

Bl. or Bligh. Bligh's Reports, English House of Lords.

Bl. N. S. or Bligh N. S. Bligh's Reports, New Series, English House of Lords.

Bliss. Delaware County Reports, Pennsylvania.

Bliss L. Ins. Bliss on Life Insurance.

Bliss N. Y. Co. Bliss's New York Code.

Bloom. Man. or Bloom. Neg. Cas. or Bloomf. Manu. Cas. or Bloomf. N. Cas. Bloomfield's Manumission (or Negro) Cases, New Jersey.

Blount. Blount's Law Dictionary.

Blount Tr. Blount's Impeachment Trial.

Boh. Dec. Bohun's Declarations.

Boh. Eng. L. Bohun's English Lawyer.

Boh. Priv. Lon. Bohun's Privilegia Lon dini.

Boil. Code N. Boileux's Code Napoléon.

Bomb. H. Ct. or Bomb. H. Ct. Rep. Bombay High Court Reports.

Bomb. L. R. Bombay Law Reporter.

Bomb. Sel. Cas. Bombay Select Cases.

Bomb. Ser. Bombay Series Indian Law Reports.

Bond. Bond's United States Circuit Reports.

Bone Prec. Bone's Precedents on Conveyancing.

Bonney Ins. Bonney on Insurance.

Books S. Books of Sederunt.

Boor. or Booraem. Booraem's Reports, California.

Boote Ch. Pr. Boote's Chancery Practice.

Boote S. or Boote, Suit at Law. Boote's Suit at Law.

Booth Act. or Booth R. A. or Booth, Real Act. Booth on Real Actions.

Boothley Ind. Off. Boothley on Indictable Offences.

Bo. R. Act. Booth on Real Actions.

Borr. Borradaile's Reports, Bombay.

Borth. Borthwick on Libel and Slander.

Bos. Bosworth's New York Superior Court Reports.

Bos. & P. or Bos. & P. N. E. or Bos. & Pul. or Bos. & Pul. N. R. Bosanquet & Puller's New Reports, English Common Pleas.

Bost. Law Rep. Boston Law Reporter.

Bost. Pol. Rep. Boston Police Court Reports.

Bosw. Boswell's Reports, Scotch Court of Session;—Bosworth's New York Superior Court Reports.

Bosw. (N. Y.). Bosworth's New York City Superior Court Reports, vols. 14-23.

Bott P. L. Bott's Poor Laws.

Bott P. L. Cas. Bott's Poor Law Cases.

Bott P. L. Const. Const's Edition of Bott's Poor Law Cases.

Bott Set. Cas. or Bott Sett. Cas. Bott's Poor Law (Settlement) Cases, English.

Bouch. Ins. Dr. Mar. Boucher, Institutes ou Droit Maritime.

Boulay Paty Dr. Com. Cours de Droit Commercial Maritime, par P. S. Boulay Paty.

Bould. Bouldin's Reports, vol. 119 Alabama.

Bouln. or Boulnois. Boulnois's Reports, Bengal.

Bourke. Bourke's Reports, Calcutta High Court.

Bourke P. P. Bourke's Parliamentary Precedents.

Bousq. Dict. de Dr. Bousquet, Dictionnaire de Droit.

Bout. Man. Boutwell's Manuel of the Tax System of the U. S.

Bouv. or Bouv. L. D. Bouvier's Law Dictionary.

Bouv. Inst. Bouvier's Institutes of American Law.

Bouv. Inst. Th. Institutiones Theologicæ, auctore J. Bouvier.

Bouvier. Bouvier's Law Dictionary.

Bov. Pat. Ca. Bovill's Patent Cases.

Bow. Bowler & Bowers, vols. 2, 3, United States Comptroller's Decisions.

Bowen, Pol. Econ. Bowen's Political Economy.

Bowyer, C. L. Bowyer's Modern Civil Law.

Bowyer, Com. or Bowyer, P. L. Bowyer's Commentaries on Universal Public Law.

Bowyer, Mod. Civil Law. Bowyer's Modern Civil Law.

Boyce Pr. Boyce's Practice in the U. S. Courts.

Boyd Adm. Boyd's Admiralty Law.

Boyd Sh. Boyd's Merchant Shipping Laws.

Boyle Char. Boyle on Charities.

Br. Bracton or Bracton de Legibus et Consuetudinibus Angliæ;—Bradford;—Bradwell;—Brayton;—Breese;—Brevard;—Brewster;—Bridgman;—Brightly;—British;—Britton;—Brockenbrough;—Brooke;—Broom;—Brown;—Brownlow;—Bruce. See below, especially under Bro.

Br. Abr. Brooke's Abridgment.

Br. Brev. Jud. Brownlow's Brevia Judicialia.

Br. C. C. British (or English) Crown Cases (American reprint);—Brown's Chancery Cases, England.

Br. Ch. C. Brown's Chancery Cases, English.

Br. Cr. Ca. British (or English Crown Cases).

Br. Fed. Dig. Brightly's Federal Digest.

Br. N. C. Brooke's New Cases, English King's Bench.

Br. P. C. Brown's English Parliamentary Cases.

Br. Reg. Braithwaite's Register.

Br. Sup. Brown's Supplement to Morrison's Dictionary, Sessions Cases, Scotland.

Br. Syn. Brown's Synopsis of Decisions, Scotch Court of Session.

Br. & B. Broderip & Bingham, English Common Pleas.

Br. & F. Ecc. or Br. & Fr. Broderick & Freeman-tle's Ecclesiastical Cases, English.

Br. & Gold. Brownlow & Goldesborough's English Common Pleas Reports.

Br. & L. or Br. & Lush. Brownlow & Lushington's English Admiralty Reports.

Br. & R. Brown & Rader's Missouri Reports.

Brac. or Bract. or Bracton. Bracton de Legibus et Consuetudinibus Angliæ.

Brack. L. Mis. Brackenbridge's Law Miscellany.

Brack. Trust. Brackenbridge on Trusts.

Brad. Bradford's Surrogate Reports, New York;—Bradford's Iowa Reports;—Bradwell's Illinois Appeal Reports;—Bradley's Reports, Rhode Island;—Brady's History of the Succession of the Crown of England.

Bradby Dist. Bradby on Distresses.

Bradf. Bradford's New York Surrogate Reports;—Bradford's Reports, Iowa.

Bradf. (Iowa). Bradford's Reports, Iowa.

Bradf. Sur. or Bradf. Surr. Bradford's Surrogate Court Reports, New York.

Bradl. (R. I.). Bradley's Rhode Island Reports.

Bradl. P. B. Bradley's Point Book.

Bradw. Bradwell's Reports, Illinois Appellate Courts.

Brady Ind. Brady's Index, Arkansas Reports.

Braithw. Pr. Braithwaite's Record and Write Practice.

Brame. Brame's Reports, vols. 66-72 Mississippi.

Branch. Branch's Reports, Florida Reports, vol. 1.

Branch Mac. Branch's Maxims.

Branch Pr. or Branch, Princ. Branch's Principia Legis et Aequitatis.

Brand. Brandenburg's Reports, vol. 21, Opinions Attorneys-General.

Brand. F. Attachm. or Brand. For. Attachm. Brandon on Foreign Attachment.

Brande. Brande's Dictionary of Science.

Brandt Div. Brandt on Divorce Causes.

Brandt Sur. G. Brandt on Suretyship and Guaranty.

Brans. Dig. Branson's Digest of Bombay Reports.

Brant. Brantly's Reports, vols. 80-116 Maryland.

Brayt. Brayton's Reports, Vermont.

Breese. Breese's Reports, vol. 1 Illinois.

Brett Ca. Eq. Brett's Cases in Modern Equity.

Brev. Brevard's Reports, South Carolina.

- Brev. Dig.* Brevard's Digest.
Brev. Ju. Brevia Judicialia (Judicial Writs).
Brev. Sel. Brevia Selecta, or Choice Writs.
Brew. Brewer's Reports, vols. 19-26 Maryland.
Brew. or Brews. or Brewst. Brewster's Reports, Pennsylvania.
Brew. (Md.). Brewer's Reports, Maryland.
Brewst. Brewster's Pennsylvania Reports.
Brice Pub. Wor. Brice's Law Relating to Public Worship.
Brice U. V. Brice's Ultra Vires.
Brick. Dig. Brickell's Digest, Alabama.
Bridg. J. Bridgman's Reports, English Common Pleas.
Bridg. Conv. Bridgman on Conveyancing.
Bridg. Dig. Ind. Bridgman's Digested Index.
Bridg. J. Sir J. Bridgman's English Common Pleas Reports.
Bridg. Leg. Bib. Bridgman's Legal Bibliography.
Bridg. O. Sir Orlando Bridgman's English Common Pleas Reports—(sometimes cited as Carter).
Bridg. Refl. Bridgman's Reflections on the Study of the Law.
Bridg. Thes. Jur. Bridgman Thesaurus Juridicus.
Bright. Brightly's Nisi Prius Reports, Pennsylvania.
Bright. C. Brightly on Costs.
Bright. Dig. Brightly's Digest, New York;—Brightly's Digest, Pennsylvania;—Brightly's Digest, United States.
Bright. Elec. Cas. or Bright. Elect. Cas. Brightly's Leading Election Cases.
Bright. Eq. Brightly's Equity Jurisprudence.
Bright. Fed. Dig. Brightly's Federal Digest.
Bright H. & W. Bright on Husband and Wife.
Bright. N. P. Brightly's Nisi Prius Reports, Pennsylvania.
Bright. (Pa.). Brightly's Nisi Prius Reports, Pennsylvania.
Bright. Purd. or *Brightly's Purd. Dig.* Brightly's Edition of Purdon's Digest of Laws of Pennsylvania.
Bright. T. & H. Pr. Brightly's Edition of Troubat & Haly's Practice.
Bright. U. S. Dig. Brightly's United States Digest.
Brisb. or Brisbin (Minn.). Brisbin's Minnesota Reports.
Brissonius. De verborum quæ ad jus civile pertinent significatione.
Brit. Britton's Ancient Pleas of the Crown.
Brit. Col. S. C. British Columbia Supreme Court Reports.
Brit. Cr. Cas. British (or English) Crown Cases.
Brit. Quar. Rev. British Quarterly Review.
Britt. Britton on Ancient Pleading.
Bro. See, also, Brown and Browne. Browne's Pennsylvania Reports;—Brown's Michigan Nisi Prius Reports;—Brown's English Chancery Reports;—Brown's Parliamentary Cases;—Brown's Reports, vols. 53-65 Mississippi;—Brown's Reports, vols. 80-136 Missouri.
Bro. A. & C. L. Browne's Admiralty and Civil Law.
Bro. A. & R. Brown's United States District Court Reports (Admiralty and Revenue Cases).
Bro. Abr. Brooke's Abridgments.
Bro. Abr. in Eq. Browne's New Abridgment of Cases in Equity.
Bro. Adm. Brown's United States Admiralty Reports.
Bro. Car. Browne on Carriers.
Bro. C. C. Brown's English Chancery Cases, or Reports.
Bro. Ch. or Bro. Ch. Cas. or Bro. Ch. R. Brown's Chancery Cases, English.
Bro. Civ. Law. Browne's Civil Law.
Bro. Co. Act. Browne on the Companies Act.
Bro. Com. Brown's Commentaries.
Bro. Div. Pr. Browne's Divorce Court Practice.
Bro. Ecc. Brooke's Six Judgments in Ecclesiastical Cases (English).
Bro. Ent. Browne's Book of Entries.
Bro. Insan. Browne's Medical Jurisprudence of Insanity.
Bro. Leg. Max. or Bro. Max. Broom's Legal Maxims.
Bro. M. N. Brown's Methodus Novissima.
Bro. M. & D. Browning on Marriage and Divorce.
Bro. N. C. Brooke's New Cases, English King's Bench.
Bro. N. P. Brown's Michigan Nisi Prius Reports;—Brown's Nisi Prius Cases, English.
Bro. N. P. Cas. Browne's National Bank Cases.
Bro. N. P. (Mich.). Brown's Nisi Prius Cases, Michigan.
Bro. Of. Not. Brooke on the Office of a Notary in England.
Bro. P. C. Brown's English Parliamentary Cases.
Bro. (Pa.). Browne's Pennsylvania Reports.
Bro. Read. Brooke's Reading on the Statute of Limitations.
Bro. R. P. L. Brown's Limitation as to Real Property.
Bro. Sales. Brown on Sales.
Bro. St. Fr. Browne on the Statute of Frauds.
Bro. Stair. Brodie's Notes and Supplement to Stair's Institutions of the Laws of Scotland.
Bro. Supp. Brown's Supplement to Morrison's Dictionary of the Court of Session, Scotland.
Bro. Syn. Brown's Synopsis of the Decisions of the Scotch Court of Session.
Bro. T. M. Browne on Trademarks.
Bro. V. M. Brown's Vade Mecum.
Bro. & F. or Bro. & Fr. Brodrick & Freemantle's Ecclesiastical Cases.
Bro. & G. Brownlow & Goldesborough's English Common Pleas Reports.
Bro. & Lush. Browning & Lushington's English Admiralty Reports.
Brook. or Brock. C. C. or Brock. Marsh. Brockenbrough's Reports of Marshall's Decisions, United States Circuit Court.
Brook. Cas. Brockenbrough's Virginia Cases.
Brook. & H. or Brock. & Hol. Brockenbrough & Holmes's Reports, Virginia Cases, vol. 1.
Bro. Stair. Brodie's Notes and Supplement to Stair's Institutes of the Laws of Scotland.
Bro. & B. or Bro. & Bing. Broderip & Bingham's English Common Pleas Reports.
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Brooke or Brooke (Petit). Brooke's New Cases, English King's Bench.
Brooke Abr. Brooke's Abridgment.
Brooke Ecc. Brooke's Ecclesiastical Reports, English.
Brooke Eccl. Judg. Brooke's Six Ecclesiastical Judgments.
Brooke Lim. Brooke's Reading on the Statute of Limitations.
Brooke N. C. Brooke's New Cases, English King's Bench (Bellew's Cases, temp. Henry VIII).
Brooke Not. Brooke on the Office of a Notary in England.
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Brooke Six Judg. Six Ecclesiastical Judgments of the English Privy Council, by Brooke.
Brooks. Brooks's Reports, vols. 106-119 Michigan.
Broom C. L. or Broom Com. Law or Broom Comm. Broom's Commentaries on the Common Law.
Broom Const. L. Broom's Constitutional Law.
Broom Leg. Max. or Broom Max. Broom's Legal Maxims.
Broom Part. Broom's Parties to Actions.
Broom & H. Com. or Broom & H. Comm. Broom & Hadley's Commentaries on the Laws of England.
Broun or Broun Just. Broun's Reports, Scotch Justiciary Court.
Brown. Brown's Reports, vols. 53-65 Mississippi;—Brown's English Parliamentary Cases;—Brown's English Chancery Reports;—Brown's Law Dictionary;—Brown's Scotch Reports;—Brown's United States District Court Reports;—Brown's U. S. Admiralty Reports;—Brown's Michigan Nisi Prius Reports;—Brown's Reports, vols. 4-25 Nebraska;—Brownlow (& Goldesborough's) English Common Pleas Reports;—Brown's Reports, vols. 80-136 Missouri. See, also, Bro. and Browne.
Brown, Adm. Brown's United States Admiralty Reports.

- Brown A. & R.* Brown's United States District Court Reports (Admiralty and Revenue Cases).
Brown Car. Brown on Carriers.
Brown Ch. or *Brown Ch. C.* or *Brown Ch. Cas.* or *Brown Ch. R.* Brown's Chancery Cases, English.
Brown, Civ. & Adm. Law. Brown's Civil and Admiralty Law.
Brown Comm. Brown's Commentaries.
Brown Dict. Brown's Law Dictionary.
Brown Ecc. Brown's Ecclesiastical Reports, English.
Brown Ent. Brown's Entries.
Brown Fict. Brown on Fictures.
Brown Lim. Brown's Law of Limitations.
Brown, M. & D. Browning on Marriage and Divorce.
Brown Novis. Brown's Method of Novissima.
Brown N. P. Brown's Michigan Nisi Prius Reports.
Brown N. P. Cas. Brown's Nisi Prius Cases, English.
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Brown V. M. Brown's Vade Mecum.
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Brown & H. (Miss.). Brown & Hemingway's Reports, vols. 53-65 Mississippi.
Brown & L. or *Brown & Lush.* Brown's & Lushington's Reports, English Admiralty.
Browne. Browne's Pennsylvania Reports;—Browne's Reports, vols. 97-109 and 112-114 Massachusetts;—Browne, New York Civil Procedure. See also Bro. and Drown.
Browne Adm. C. L. Browne's Admiralty and Civil Law.
Browne Bank Cas. or *Browne Nat. B. C.* Browne's National Bank Cases.
Browne Car. Browne on the Law of Carriers.
Browne Civ. L. Browne on Civil Law.
Browne, Div. or *Browne Div. Pr.* Browne's Divorce Court Practice.
Browne Frauds. Browne on the Statute of Frauds.
Browne Insan. Browne's Medical Jurisprudence of Insanity.
Browne Mass. Browne's Reports, Massachusetts, vols. 97-109 and 112-114.
Browne N. B. C. Browne's National Bank Cases.
Browne, Prob. Pr. Browne's Probate Practice.
Browne T. M. Browne on Trademarks.
Browne Usages. Browne on Usages and Customs.
Browne & G. or *Browne & Gray.* Browne & Gray's Reports, Massachusetts, vols. 110-111.
Browne & Macn. Browne & Macnamara's English Railway and Canal Cases.
Browning Mar. & D. Browning on Marriage and Divorce.
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Brownl. or *Brownl. & G.* or *Brownl. & Gold.* Brownlow & Goldesborough's English Common Pleas Reports.
Brownl. Brev. Jud. Brownlow's Brevia Judicialia.
Brownl. Ent. or *Brownl. Rediv.* Brownlow's Redivivus or Entries.
Bru. or Bruce Bruce's Reports, Scotch Court of Session.
Bruce M. L. Bruce's Military Law, Scotland.
Brun. Brunner's Collective Cases, United States.
Brunk. Ir. Dig. Brunker's Irish Common Law Digest.
Brunner Sel. Cas. Brunner's Selected Cases United States Circuit Courts.
Bt. Benedict's United States District Court Reports.
Buch. Buchanan's (Eben J. or James) Reports, Cape of Good Hope.
Buch. Cas. or *Tr.* Buchanan's Remarkable Criminal Cases, Scotland.
Buch. Ct. Ap. Cape G. H. Buchanan's Court of Appeals Reports, Cape of Good Hope.
Buch. E. Cape G. H. E. Buchanan's Reports, Cape of Good Hope.
Buch. E. D. Cape G. H. Buchanan's Eastern District Reports, Cape of Good Hope.
Buch. J. Cape G. H. J. Buchanan's Reports, Cape of Good Hope.
Buch. Rep. Buchanan's Reports, Cape of Good Hope.
Buck. Buck's English Cases in Bankruptcy;—Buck's Reports, vols. 7-8 Montana.
Buck Cas. Buck's Bankrupt Cases, English.
Buck. Co. Act. Buckley's Law and Practice under Companies Act.
Buck. Cooke. Bucknill's Cooke's Cases of Practice, Common Pleas.
Buck. Dec. Buckner's Decisions (in Freeman's Mississippi Chancery Reports).
Buff. Super. Ct. (N. Y.). Sheldon's Superior Court Reports, Buffalo, New York.
Bull. N. P. Buller's Law of Nisi Prius, English.
Bull. & C. Dig. or *Bull. & Cur. Dig.* Bullard & Curry's Louisiana Digest.
Bull. & L. Pr. Bullen & Leake's Precedents of Pleading.
Buller MSS. J. Buller's Paper Books, Lincoln's Inn Library.
Bulling. Eccl. Bullingbrooke's Ecclesiastical Law.
Eulst. Bulstrode's Reports, English King's Bench.
Bump Bkcy. Bump's Bankruptcy Practice.
Bump Fed. Proc. Bump's Federal Procedure.
Bump Fr. Conv. or *Bump Fraud. Conv.* Bump on Fraudulent Conveyances.
Bump Inter. Rev. L. Bump's Internal Revenue Laws.
Bump N. C. or *Bump Notes.* Bump's Notes on Constitutional Decisions.
Bump Pat. Bump's Law of Patents, Trademarks, etc.
Bunb. Bunbury's Reports, English Exchequer.
Buny. L. A. Bunyon on Life Insurance.
Bur. Burnett's Reports, Wisconsin;—Burrow's Reports, English King's Bench.
Bur. M. Burrow's Reports *tempore* Mansfield.
Burd. Cas. Torts. Burdick's Cases on Torts.
Burf. Burford's Reports, vols. 6-18 Oklahoma.
Burg. Dig. Burgwyn's Digest Maryland Reports.
Burge Col. Law. Burge on Colonial Law.
Burge Conf. Law. Burge on the Conflict of Laws.
Burge For. Law. Burge on Foreign Law.
Burge Mar. Int. L. Burge on Maritime International Law.
Burge Sur. Burge on Suretyship.
Burgess. Burgess's Reports, vols. 46-51 Ohio State.
Burke Tr. Burke's Celebrated Trials.
Burks. Burks's Reports, vols. 91-98 Virginia.
Burlam. Nat. Law or *Burlamaqui.* Burlamaqui's Natural and Politic Law.
Burlesque Reps. Skillman's New York Police Reports.
Burm. L. R. Burmah Law Reports.
Burn. Burnett's Reports, Wisconsin.
Burn. Cr. L. Burnett on the Criminal Law of Scotland.
Burn Dict. Burn's Law Dictionary.
Burn, Ecc. Law or *Burn Ec. L.* Burn's Ecclesiastical Law.
Burn Jus. Burn's Justice of the Peace.
Burnet. Burnet's Manuscript Decisions, Scotch Court of Session.
Burnett. Burnett's Wisconsin Reports;—Burnett's Reports, vols. 20-22 Oregon.
Burrow. Burrow's Reports, English King's Bench *temp.* Mansfield.
Burr. Ass. Burrill on Assignments.
Burr. Circ. Ev. Burrill on Circumstantial Evidence.
Burr. Dict. Burrill's Law Dictionary.

- Durr. Prac.* Burrill's Practice.
Burr. S. C. or Sett. Cas. Burrows's English Settlement Cases.
Burr. Taxation. Burroughs on Taxation.
Burr Tr. Burr's Trial.
Burr Tr. Rob. Burr's Trial, reported by Robertson.
Burrill. Burrill's Law Dictionary.
Burrill, Circ. Ev. Burrill on Circumstantial Evidence.
Burrill, Pr. Burrill's Practice.
Burrow. Burrow's Reports, English King's Bench.
Burrow, Sett. Cas. Burrow's English Settlement Cases.
Burt. Bankr. Burton on Bankruptcy.
Burt. Cas. Burton's Collection of Cases and Opinions.
Burt. Parl. Burton's Parliamentary Diary.
Burt. R. P. or Burt. Real Prop. Burton on Real Property.
Burt. Sc. Tr. Burton's Scotch Trials.
Busb. Busbee's Law Reports, North Carolina Reports, vol. 44.
Busb. Cr. Dig. Busbee's Criminal Digest, North Carolina.
Busb. Eq. Busbee's Equity Reports, North Carolina.
Bush. Bush's Reports, Kentucky.
Busw. & Wal. Pr. Buswell & Walcott's Practice, Massachusetts.
Butl. Co. Litt. Butler's Notes to Coke on Littleton.
Butl. Hor. Jur. Butler Horæ Juridicæ Subsecivæ.
Butt's Sh. Butt's Edition of Shower's English King's Bench Reports.
Buxton. Buxton's Reports, vols. 123-129 North Carolina.
Byles, Bills. Byles on Bills.
Bynk. Bynkershoek on the Law of War.
Bynk. Jur. Pub. Bynkershoek Quaestiones Juris Publici.
Bynk. Obs. Jur. Rom. Bynkershoek, Observationum Juris Romani Libri.
Bynk. War. Bynkershoek on the Law of War.
Byth. Conv. Bythewood's Conveyancing.
Byth. Prec. Bythewood's Precedents.
C. Cowen's Reports, New York;—Connecticut;—California;—Colorado;—Canada (Province);—Codex Juris Civilis. Code. Chancellor. Chancery. Chancery Case.
C. of S. Ca. 1st Series. Court of Session Cases, First Series. By Shaw, Dunlop & Bell. Ct. Sess. (Sc.).
C. of S. Ca. 2d Series. Court of Session Cases, Second Series. By Dunlop, Bell & Murray. Ct. Sess. (Sc.).
C. of S. Ca. 3d Series. Court of Session Cases, Third Series. By Macpherson, Lee & Bell. Ct. Sess. (Sc.).
C. of S. Ca. 4th Series. Court of Session Cases, Fourth Series. By Rettie, Crawford & Melville. Ct. Sess. (Sc.).
C. A. Court of Appeal; Court of Arches; Chancery Appeals.
C. B. Chief Baron of the Exchequer; Common Bench; English Common Bench Reports, by Manning, Granger & Scott.
C. B. N. S. English Common Bench Reports, New Series, by Manning, Granger & Scott.
C. B. R. Cour de Blanc de la Reine, Quebec.
C. C. Circuit Court; Chancery Cases; Crown Cases; County Court; City Court; Cases in Chancery, English; Civil Code; Civil Code Français, or Code Napoléon; Cepi Corpus.
C. C. A. U. S. Circuit Court of Appeals Reports;—Circuit Court of Appeals, United States;—County Court Appeals, English.
C. C. C. Choice Cases in Chancery, English;—Crown Circuit Companion.
C. C. Chr. or C. C. Chron. Chancery Cases Chronicle, Ontario.
C. C. E. Caines's Cases in Error, New York;—Cases of Contested Elections.
C. C. L. C. Civil Code, Quebec.
C. Com. Code de Commerce.
C. C. P. Code of Civil Procedure.
C. C. R. City Courts Reports, New York City;—County Court Reports, Pa.;—Crown Cases Reserved.
C. Cr. P. Code of Criminal Procedure.
C. C. Supp. City Court Reports, Supplement, New York.
C. C. & B. B. Cepi Corpus and Bail Bond.
C. C. & C. Cepi Corpus et Committitur.
C. D. Commissioner's Decisions, United States Patent Office;—Century Digest;—Comyn's Digest.
C. d'Et. Conseil d'Etat.
C. E. Gr. C. E. Greene's New Jersey Equity Reports.
C. F. Code Forestier.
C. H. Rec. City Hall Recorder (Rogers), New York City.
C. H. Rep. City Hall Reporter (Lomas), New York City.
C. H. & A. Carrow, Hamerton & Allen's New Sessions Cases, English.
C. I. Constitutiones Imperiales.
C. Instr. Cr. Code Instruction Criminelle.
C. J. Chief Justice.
C. J. C. Couper's Justiciary Cases, Scotland.
C. J. Can. Corpus Juris Canonici.
C. J. Civ. Corpus Juris Civilis.
C. J. C. P. Chief Justice of the Common Pleas.
C. J. K. B. Chief Justice of the King's Bench.
C. J. Q. B. Chief Justice of the Queen's Bench.
C. J. U. B. Chief Justice of the Upper Bench.
C. L. Common Law. Civil Law.
C. L. Ch. Common Law Chamber Reports, Ontario.
C. L. J. Central Law Journal, St. Louis, Mo.;—Canada Law Journal, Toronto.
C. L. J. N. S. Canada Law Journal, New Series, Toronto.
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C. L. P. Act. English Common Law Procedure Act.
C. L. R. Common Law Reports, printed by Spottiswoode;—English Common Law Reports.
C. M. R. Crompton, Meeson & Roscoe's Reports, English Exchequer.
C. N. Code Napoléon.
C. N. Conf. Cameron & Norwood's North Carolina Conference Reports.
C. N. P. Cases at Nisi Prius.
C. N. P. C. Campbell's Nisi Prius Cases, English.
C. O. Commons' Orders.
C. of C. E. Cases of Contested Elections, United States.
C. P. Code of Procedure;—Common Pleas;—Code Penal.
C. P. C. Code of Civil Procedure, Quebec;—Code de Procédure Civile;—Cooper's Practice Cases, English.
C. P. Coop. C. P. Cooper's Reports, English.
C. P. C. t. Br. C. P. Cooper's English Chancery Reports *tempore* Brougham.
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C. P. D. or C. P. Div. Common Pleas Division, English Law Reports (1875-1880).
C. P. Q. Code of Civil Procedure, Quebec.
C. P. Rep. or C. P. Rcpt. Common Pleas Reporter, Scranton, Pennsylvania.
C. P. U. C. Common Pleas Reports, Upper Canada.
C. Pr. Code of Procedure;—Code de Procédure Civile.
C. R. Chancery Reports;—Code Reporter, New York.
C. R. N. S. Code Reports, New Series, New York.
C. Rob. or C. Rob. Adm. Christopher Robinson's Reports on English Admiralty.
C. S. Court of Session, Scotland.
C. S. B. C. Consolidated Statutes, British Columbia.
C. S. C. Consolidated Statutes of Canada, 1859.
C. S. L. C. Consolidated Statutes, Lower Canada.
C. S. M. C. Consolidated Statutes of Manitoba.
C. S. N. B. Consolidated Statutes of New Brunswick.
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C. S. & J. Cushing, Storey & Josselyn's Election

Cases. See vol. 1 Cushing's Election Cases, Massachusetts.

C. S. & P. (Craigie, Stewart &) Paton's Scotch Appeal Cases.

C. T. Constitutiones Tiberii.

C. Theod. Codex Theodosiani.

C. t. K. Cases *tempore* King (Macnaghten's Select Chancery Cases, English).

C. t. N. Cases *tempore* Northington (Eden's English Chancery Reports).

C. t. T. or C. t. Talb. Cases *tempore* Talbot, English Chancery.

C. W. Dud. *C. W. Dudley's Law or Equity Reports*, South Carolina.

C. W. Dudl. Eq. *C. W. Dudley's Equity Reports*, South Carolina.

C. & A. Cooke & Alcock's Reports, Irish King's Bench and Exchequer.

C. & C. Coleman and Caine's Cases, New York.

C. & D. Corbett & Daniel's English Election Cases;—Crawford & Dix's Abridged Cases, Irish.

C. & D. A. C. Crawford & Dix's Abridged Cases, Irish.

C. & D. C. C. Crawford & Dix's Irish Circuit Cases;—Crawford & Dix's Criminal Cases, Irish.

C. & E. Cababé & Ellis, English.

C. & F. Clark & Finnelly's Reports, English House of Lords.

C. & H. Dig. Coventry & Hughes's Digest.

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C. & K. Carrington & Kirwan's Reports, English Nisi Prius.

C. & L. Connor & Lawson's Irish Chancery Reports.

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C. & R. Cockburn & Rowe's Reports, English Election Cases.

C. & S. Dig. Connor & Simonton's South Carolina Digest.

Ca. Case;—Placita;—Placitum;—Cases (see Cas.).

Ca. resp. Capias ad respondendum.

Ca. sa. Capias ad satisfaciendum.

Ca. t. Hard. Cases *tempore* Hardwicke.

Ca. t. K. Cases *tempore* King;—Cases *tempore* King, Chancery.

Ca. t. Talb. Cases *tempore* Talbot, Chancery.

Ca. temp. F. Cases *tempore* Finch.

Ca. temp. H. Cases *tempore* Hardwicke, King's Bench.

Ca. temp. Holt. Cases *tempore* Holt, King's Bench.

Cab. Luvy. The Cabinet Lawyer.

Cab. & E. or *Cab. & El.* Cababé & Ellis, English.

Cadw. Dig. Cadwalader's Digest of Attorney-Generals' Opinions.

Cadw. Gr. Rents. Cadwalader on Ground Rents.

Cal. Caines's Reports, Supreme Court, N. Y.;—

Caines's Term Reports, New York Supreme Court.

Cal. Cas. or Cai. Cas. Err. Caines's New York Cases in Error.

Cal. Inst. Call or Gaii Institutiones.

Cal. Lex. Mer. Caines's *Lex Mercatoria*.

Cal. Pr. Caines's Practice.

Cal. T. R. Caines's Term Reports, New York Supreme Court.

Cal. Visig. Caines's *Visigothicum*.

Cain. or Caines. Caines, New York;—Caines's Reports, New York Supreme Court.

Caines Cas. Caines's Cases, Court of Errors, New York.

Cairn's Dec. Cairn's Decisions in the Albert Arbitration.

Cairns Dec. Cairns's Decisions, Reilly, English.

Cal. California;—California Reports;—Calthrop's English King's Bench Reports;—Caldecott's English Settlement Cases.

Cal. L. J. California Law Journal, San Francisco.

Cal. Leg. Adv. Calcutta Legal Advertiser, India.

Cal. Leg. Obs. Calcutta Legal Observer.

Cal. Leg. Rec. California Legal Record, San Francisco.

Cal. Prac. Hart's California Practice.

Cal. Rep. California Reports;—Calthrop's English King's Bench Reports.

Cal. S. D. A. Calcutta Sudder dewanny Adawlut Reports.

Cal. Ser. Calcutta Series Indian Law Reports.

Cal. Sew. Callis on Sewers.

Cal. W. R. Calcutta Weekly Reporter, India.

Calc. L. O. Calcutta Legal Observer.

Cald. Caldwell's Reports, vols. 25-36 West Virginia.

Cald. or Cald. J. P. or Cald. M. Cas. or Cald. S. C. Caldecott's English Magistrate's (Justice of the Peace) and Settlement Cases.

Cald. Arb. Caldwell on Arbitration.

Cald. Sett. Cas. Caldecott's Settlement Cases.

Call. Call's Reports, Virginia.

Call. Mil. L. Callan's Military Laws.

Call. Sew. Callis on Sewers.

Calth. Calthorpe's Reports, English King's Bench.

Calth. Copyh. Calthorpe on Copyholds.

Calvin. or Calv. Lex. or Calvin. Lex. Jurid. Calvinus Lexicon Juridicum.

Calv. Par. Calvert on Parties to Suits in Equity.

Cam. Cameron's Reports, Upper Canada Queen's Bench.

Cam. Crit. Camden's Britannia.

Cam. Duc. Camera Ducata, Duchy Chamber.

Cam. Op. Cameron's Legal Opinions, Toronto.

Cam. Scac. or Cam. Scacc. Camera Scaccaria (Exchequer Chamber).

Cam. Stell. Camera Stellata, Star Chamber.

Cam. & N. or Cam. & Nor. Cameron & Norwood's Reports, North Carolina Conference Reports, vol. 3.

Camd. Brit. or Camden. Camden's Britannia.

Camp. Camp's Reports, vol. 1 North Dakota;—Campbell's English Nisi Prius Reports;—Campbell's Reports, vols. 27-58 Nebraska. See also Campbell.

Camp. Dec. or Camp. Dec. Campbell's Reports of Taney's Decisions, U. S. Circuit Court;—Campbell's Decisions.

Camp. Ld. Ch. or Camp. Lives Ld. Ch. Campbell's Lives of the Lord Chancellors.

Camp. N. P. Campbell's Reports, English Nisi Prius.

Campbell. Campbell's English Nisi Prius Reports;—Campbell's Reports of Taney's United States Circuit Court Decisions;—Campbell's Legal Gazette Reports, Pennsylvania;—Campbell's Reports, vols. 27-58 Nebraska.

Camp. Neg. Campbell on Negligence.

Can. Canon. Canada.

Can. Exch. Canada Exchequer Reports.

Can. L. J. Canada Law Journal, Toronto.

Can. L. J. (L. C.). Lower Canada Law Journal Montreal.

Can. L. T. Canadian Law Times, Toronto, Canada.

Can. Mun. J. Canadian Municipal Journal.

Can. S. C. Rep. Canada Supreme Court Reports

Canad. Mo. Canadian Monthly.

Cane & L. Cane & Leigh's Crown Cases Reserved.

Cap. Capitulum. Chapter.

Cape Law J. Cape Law Journal, Grahamstown, Cape of Good Hope.

Car. Carolina;—Carolus; thus 13 Car. II., signifies the thirteenth year of the reign of King Charles II.

Car. Cr. L. Carrington's Criminal Law.

Car., H. & A. Carrow, Hamerton & Allen's New Sessions Cases, English.

Car. L. Jour. Carolina Law Journal, Charleston, S. C.

Car. L. Rep. Carolina Law Repository, Raleigh, N. C.

Car. O. & B. Carrow, Oliver & Bevan's English Railway and Canal Cases.

Car. & K. or Car. & Kir. Carrington & Kirwan's English Nisi Prius Reports.

- Car. & M. or Car. & Mar.* Carrington & Marshman's English Nisi Prius Reports.
- Car. & O. or Car. & Ol.* Carrow & Oliver's Railway and Canal Cases.
- Car. & P.* Carrington & Payne's Reports, English Nisi Prius.
- Carl.* Carleton, New Brunswick.
- Carp.* Carpenter's Reports, California.
- Carp. P. C.* Carpmal's English Patent Cases.
- Carpenter.* Carpenter's Reports, vols. 52-53 California.
- Carr. Cas.* Carran's Summary Cases, India.
- Carr., Ham. & Al.* Carrow, Hamerton & Allen's New Sessions Cases, English.
- Carr. & K.* Carrington & Kirwan.
- Carrau.* Carrau's Edition of "Summary Cases," Bengal.
- Cart.* Cartwright's Cases, Canada;—Carter's Reports, English Common Pleas.
- Cart. (Ind.).* Carter's Reports, Indiana.
- Carta de For.* Carta de Foresta.
- Carter.* Carter's English Common Pleas Reports, same as Orlando Bridgman;—Carter's Reports, vols. 1, 2, Indiana.
- Carth.* Carthew's Reports, English King's Bench.
- Cartm. Trade M. Cas.* Cartmell's Trademark Cases.
- Cartw. Const. Cas.* Cartwright's Constitutional Cases.
- Cary.* Cary's Reports, English Chancery.
- Carry Part.* Carry on Partnership.
- Cas.* Casey's Reports, vols. 25-36 Pennsylvania State.
- Cas. App.* Cases on Appeal to the House of Lords.
- Cas. Arg. & Dec. Ch.* Cases Argued and Decreed in Chancery, English.
- Cas. B. R.* Cases Banco Regis *tempore* William III. (12 Modern Reports).
- Cas. B. R. Holt.* Cases and Resolutions (of settlements; not Holt's King's Bench Reports).
- Cas. Ch.* Cases in Chancery, English;—Select Cases in Chancery;—Cases in Chancery (9 Modern Reports).
- Cas. C. L.* Cases in Crown Law.
- Cas. Ch. 1, 2, J.* Cases in Chancery *temp.* Car. II.
- Cas. Eq.* Cases in equity, Gilbert's Reports;—Cases and Opinions in Law, Equity, and Conveyancing.
- Cas. Eq. Abr.* Cases in Equity Abridged, English.
- Cas. F. T.* Cases *tempore* Talbot, by Forrester, English Chancery.
- Cas. H. L. or Cas. H. of L.* Cases in the English House of Lords.
- Cas. in C.* Cases in Chancery;—Select Cases in Chancery.
- Cas. in P. or Cas. Parl.* Cases in Parliament.
- Cas. K. B.* Cases in King's Bench (8 Modern Reports).
- Cas. K. B. t. H. or Cas. K. B. t. Hardw.* Cases *imp.* Hardwicke, W. Kelynge's Reports, English King's Bench.
- Cas. L. & Eq.* Cases in Law and Equity (10 Modern Reports);—Gilbert's Cases in Law and Equity, English.
- Cas. P. or Cas. Parl.* Cases in Parliament.
- Cas. Pr.* Cases of Practice in the Court of the King's Bench, from Eliz. to 14 Geo. III.
- Cas. Pr. or Cas. Pr. C. P. (Cooke).* Cooke's Practice Cases, English Common Pleas.
- Cas. Pr. K. B.* Cases of Practice, English King's Bench.
- Cas. R.* Casey's Reports, Pennsylvania State Reports, vols. 25-36.
- Cas. S. C. (Cape of G. H.).* Cases in the Supreme Court, Cape of Good Hope.
- Cas. Self Def.* Cases on Self Defence, Horrigan & Thompson's.
- Cas. Sett.* Cases of Settlement, King's Bench.
- Cas. Six Cir.* Cases in the Six Circuits, Ireland.
- Cas. t. Ch. II.* Cases *temp.* Charles II., in vol. 3 of Reports in Chancery.
- Cas. t. F.* Cases *tempore* Finch, English Chancery.
- Cas. t. Geo. I.* Cases *tempore* George I., English Chancery, Modern Reports, vols. 8 and 9.
- Cas. t. H. or Cas. t. Hardwicke.* Cases *tempore* Hardwicke, English King's Bench (Ridgway, Lee, or Annaly);—West's Chancery Reports, *tempore* Hardwicke.
- Cas. t. Holt or Cas. t. H.* Cases *tempore* Holt, English King's Bench;—Holt's Reports.
- Cas. t. K.* Select Cases *tempore* King, English Chancery (edited by Macnaghten);—Moseley's Chancery Reports, *tempore* King.
- Cas. t. Lee (Phillimore's).* Cases *temp.* Lee, English Ecclesiastical.
- Cas. t. Mac.* Cases *tempore* Macclesfield, Modern Reports, vol. 10, Lucas's Reports.
- Cas. t. Nap.* Cases *tempore* Napier, by Drury, Irish Chancery.
- Cas. t. North.* Cases *temp.* Northington (Eden's English Chancery Reports).
- Cas. t. Plunk.* Cases *tempore* Plunkett, by Lloyd & Gould, Irish Chancery.
- Cas. t. Q. A.* Cases *tempore* Queen Anne, Modern Reports, vol. 11.
- Cas. t. Sugd.* Cases *tempore* Sugden, Irish Chancery.
- Cas. t. Tal.* Cases *tempore* Talbot, English Chancery, Forrester's Reports.
- Cas. t. Wm. III.* Cases *tempore* William III., Modern Reports, vol. 12.
- Cas. Tak. & Adj.* Cases Taken and Adjudged (first edition of Reports in Chancery).
- Cas. Wm. I.* Bigelow's Cases, William I. to Richard I.
- Cas. w. Op. or Cas. & Op.* Cases with Opinions of Eminent Counsel.
- Casey.* Casey's Reports, Pennsylvania State Reports, vols. 25-36.
- Cass. Dig.* Cassel's Digest, Canada.
- Cass. Sup. C. Prac.* Cassel's Supreme Court Practice, 2d edition by Masters.
- Castle Com.* Castle on Law of Commerce.
- Cav. Money Sec.* Cavanaugh's Law of Money Securities.
- Cav. Deb.* Cavendish's Debates, House of Commons.
- Cawl.* Cawley's Laws against Recusants.
- Cay Abr.* Cay's Abridgment of the Statutes.
- Col. Tr.* Burke's Celebrated Trials.
- Cent. Dict.* Century Dictionary.
- Cent. Dig.* Century Digest.
- Centr. Cr. C. R.* Central Criminal Court Reports, English.
- Centr. L. J.* Central Law Journals, St. Louis, Mo.
- Ceyl. Leg. Misc.* Ceylon Legal Miscellany.
- Ch.*
- [1891] *Ch.* English Chancery Cases; Law Reports, 1st Series, 1891.
- [1892] *Ch.* Same for 1892, etc.
- Ch. App. Cas.* Chancery Appeal Cases, English Law Reports.
- Ch. Burn J.* Chitty Burn's Justice.
- Ch. Cal.* Chancery Calendar.
- Ch. Cas.* Cases in Chancery.
- Ch. Cas. Ch.* Choice Cases in Chancery.
- Ch. Ch. or Ch. Cham. (Ont.).* Chancery Chambers's Reports, Ontario.
- Ch. Col. Op.* Chalmers's Colonial Opinions.
- Ch. D.* Chancery Division English Law Reports.
- Ch. Dig.* Chaney's Digest, Michigan Reports.
- Ch. Div.* Chancery Division, English Law Reports.
- Ch. J.* Chief Justice, Chief Judge.
- Ch. Pr.* Chancery Practice.
- Ch. Pre. or Ch. Prec.* Precedents in Chancery.
- Ch. R. or Ch. Rcpts.* Reports in Chancery.
- Ch. R. M.* R. M. Charlton's Georgia Reports.
- Ch. Rcp.* Reports in Chancery;—Irish Chancery Reports.
- Ch. Sent.* Chancery Sentinel, Saratoga, New York.
- Ch. T. U. P.* T. U. P. Charlton's Georgia Reports.
- Ch. & Cl. Cas.* Cripp's Church and Clergy Cases.
- Chal. Op.* Chalmers's Colonial Opinions.
- Cham. or Chamb.* Chamber Reports, Upper Canada.
- Chamb. Ch. Jur.* Chambers's Chancery Jurisdiction.
- Chamb. Dig. P. H. C.* Chambers's Digest of Public Health Cases.
- Chamb. L. & T.* Chambers on Landlord and Tenant.

- Chamb. Rep.* Chancery Chamber Reports, Ontario.
- Chamber.* Chamber Reports, Upper Canada.
- Chan.* Chaney's Reports, vols. 37-58 Michigan;—Chancellor;—Chancery (see Ch.).
- Chanc.* Chancery (see Ch.).
- Chance.* Chance on Powers.
- Chand.* Chandler's Reports, Wisconsin;—Chandler's Reports, vols. 20, 38-44 New Hampshire.
- Chand. Cr. Tr. or Chand. Crim. Tr.* Chandler's American Criminal Trials.
- Chand. N. H.* Chandler's Reports, New Hampshire, vols. 20 and 38-44.
- Chaney.* Chaney's Reports, vols. 37-58 Michigan.
- Chapl. Cas. Crim. L.* Chaplin's Cases on Criminal Law.
- Char. Merc.* *Charta Mercatoria.*
- Charl. Pr. Cas.* Charley's English Practice Cases (Judicature Act).
- Charl. R. P. Stat.* Charley's Real Property Statutes.
- Charit. R. M.* R. M. Charlton's Georgia Reports.
- Charit. T. U. P.* Charlton's Reports, Georgia.
- Chase.* Chase's Decisions by Johnson, U. S. 4th Circuit.
- Chase Tr.* Chase's Trial by the U. S. Senate.
- Cher. Cas.* Cherokee Case.
- Chest. Cas.* Case of the City of Chester, on Quo Warranto.
- Chev.* Cheves's Law Reports, South Carolina.
- Chev. Ch. or Chev. Eq. or Cheves.* Cheves's Chancery or Equity Reports, South Carolina.
- Chic. L. B.* Chicago Law Bulletin, Illinois.
- Chic. L. J.* Chicago Law Journal.
- Chic. L. Rec.* Chicago Law Record.
- Chic. L. T.* Chicago Law Times.
- Chic. Leg. News.* Chicago Legal News.
- Chip.* Chipman's Reports, New Brunswick.
- Chip. Contr.* Chipman on Contracts.
- Chip. D. D.* Chipman's Reports, Vermont.
- Chip. MS.* Reports printed from Chipman's Manuscript, New Brunswick.
- Chip. N. N.* Chipman's Reports, Vermont.
- Chip. W.* Chipman's New Brunswick Reports.
- Chit. or Chitt.* Chitty's English Bail Court Reports.
- Chit. App.* Chitty on Apprentices and Journey men.
- Chit. Arch. Pr.* Chitty's Archbold's Practice.
- Chit. B. C.* Chitty's Bail Court Reports, English.
- Chit. Bills.* Chitty on Bills.
- Chit. Bl. Comm. or Chit. Bla. Com.* Chitty's Blackstone's Commentaries.
- Chit. Burn's J.* Chitty Burn's Justice.
- Chit. Car.* Chitty on Carriers.
- Chit. Com. L. or Chit. Com. Law.* Chitty on Commercial Law.
- Chit. Cont. or Chit. Contr.* Chitty on Contracts.
- Chit. Cr. L. or Chit. Crim. Law.* Chitty on Criminal Law.
- Chit. Des.* Chitty on the Law of Descent.
- Chit. Eq. Dig.* Chitty's Equity Digest.
- Chit. F.* Chitty's Forms.
- Chit. G. P. or Chit. Gen. Pr.* Chitty's General Practice.
- Chit. Jr. Bills.* Chitty, Junior, on Bills.
- Chit. L. of N.* Chitty's Law of Nations.
- Chit. Med. Jur.* Chitty on Medical Jurisprudence.
- Chit. Pl.* Chitty on Pleading.
- Chit. Pr. or Chit. Prac.* Chitty's General Practice.
- Chit. Prec.* Chitty's Precedents in Pleading.
- Chit. Prer.* Chitty's Prerogatives of the Crown.
- Chit. Rep.* Chitty's Reports, English Bail Court.
- Chit. St. or Chit. Stat.* Chitty's Statutes of Practical Utility.
- Chitt.* Chitty's Reports, English Bail Court.
- Cho. Cas. Ch.* Choice Cases in Chancery.
- Chr. Pr. W.* Christie's Precedents of Wills.
- Chr. Rep.* Chamber Reports, Upper Canada.
- Chr. Rob.* Christopher Robinson's English Admiralty Reports.
- Christ. B. L.* Christian's Bankrupt Laws.
- Churchill & Br. Sh.* Churchill and Bruck on Sheriffs.
- Chute, Eq.* Chute's Equity under the Judicature Act.
- Cic. Frag. de Repub.* Cicero. Fragmenta de Republica.
- Cin. Law Bul.* Cincinnati Law Bulletin, Cincinnati, Ohio.
- Cin. Mun. Dec.* Cincinnati Municipal Decisions.
- Cin. Rep. or Cinc. (Ohio).* Cincinnati Superior Court Reports.
- Circ. Ct. in Eq.* Circuit Court in Equity.
- City C. Rep. or City Ct. R.* City Court Reports, New York City.
- City Hall Rec.* Rogers's City Hall Recorder, New York.
- City Hall Rep.* Lumas's City Hall Reporter, New York.
- City Rec.* City Record, New York.
- Civ. Code.* Civil Code.
- Civ. Code Prac.* Civil Code of Practice.
- Civ. Pro. or Civ. Proc. R. or Civ. Proc. Rep. (N. Y.).* Civil Procedure Reports, New York.
- Cl. App.* Clark's Appeal Cases, English House of Lords.
- Cl. Ass.* Clerk's Assistant.
- Cl. Ch.* Clarke's Chancery Reports, N. Y.
- Cl. Col.* Clark's Colonial Law.
- Cl. Cr. L.* Clarke, Criminal Law.
- Cl. Elec.* Clark on Elections.
- Cl. Extr.* Clarke on Extradition.
- Cl. Home.* Clerk Home, Scotch Session Cases.
- Cl. Home R.* Clerk Home Scotch Reports.
- Cl. Ins.* Clarke on Insurance.
- Cl. R. L.* Clarke's Early Roman Law.
- Cl. & F. or Cl. & Fin.* Clark & Fennelly's Reports, English House of Lords.
- Cl. & Fin. N. S.* Clark & Fennelly's Reports, New Series, English House of Lords.
- Clan. H. & W.* Clancy on Husband and Wife.
- Cl. & H.* Clarke & Hall's Congressional Election Cases.
- Clan. Mar. Wom.* Clancy on Married Women.
- Clar. Parl. Chr.* Clarendon's Parliamentary Chronicle.
- Clark.* Clark's Appeal Cases, English House of Lords.
- Clark (Ala.).* Clark's Reports, Alabama Reports, vol. 58.
- Clark Dig.* Clark's Digest, House of Lords Reports.
- Clark Lease.* Clark's Inquiry into the Nature of Leases.
- Clark (Pa.).* Clark's Pennsylvania Law Journal Reports.
- Clark & F. or Clark & Fin.* Clark & Fennelly's Reports, English House of Lords.
- Clark & Fin. N. S.* Clark & Fennelly's Reports, New Series, English House of Lords.
- Clarke.* Clarke's New York Chancery Reports;—Clarke's edition of vols. 1-8 Iowa;—Clarke's Reports, vols. 19-22 Michigan;—Clarke's Notes of Cases, Bengal. See, also, Clark.
- Clarke (Iowa).* Clarke's Reports, vols. 1-8 Iowa.
- Clarke (Mich.).* Clarke's Reports, vols. 19-22 Michigan.
- Clarke (N. Y.).* Clarke's New York Chancery Reports.
- Clarke Adm. Pr.* Clarke's Admiralty Practice.
- Clarke Bills.* Clarke on Bills, Notes, and Checks.
- Clarke Ch. or Clarke Ch. R.* Clarke's New York Chancery Reports.
- Clarke Cr. L.* Clarke on Criminal Law, Canada.
- Clarke Ins.* Clarke on Insurance, Canada.
- Clarke Not., or Clarke Not. R. & O.* Clarke's Notes of Cases, in his Rules and Orders, Bengal.
- Clarke Praz.* Clarke's Praxis.
- Clarke & H. Elec. Cas.* Clarke & Hall's Cases of Contested Elections in Congress.
- Clay. Conv.* Clayton's Conveyancing.
- Clayt.* Clayton's Reports, English York Assize.
- Cleir. Us et Cout.* Cleirac, *Us et Coutumes de la Mer.*
- Clem.* Clemens's Reports, vols. 57-59 Kansas.
- Clem. Corp. Sec.* Clemens on Corporate Securities.
- Clerk Home.* Clerk Home's Decisions, Scotch Court of Session.

- Clerke Dig.* Clerke's Digest, New York.
Clerke Pr. Clerke's Praxis Admiraltatis.
Clerke Rud. Clerke's Rudiments of American Law and Practice.
Clev. Bank. Cleveland on the Banking System.
Clev. L. Rec. Cleveland (Ohio) Law Record.
Clev. L. Rep'r. Cleveland Law Reporter.
Clif. Clifford's United States Circuit Court Reports.
Clif. (South.) El. Cas. Clifford's Southwick Election Cases.
Clif. & R. Clifford & Richard's English Locust Standi Reports.
Clif. & Rick. Clifford & Rickard's English Locust Standi Reports.
Clif. & St. Clifford & Stephens's English Locust Standi Reports.
Cliff. Clifford's Reports, U. S. 1st Circuit.
Cliff. El. Cas. Clifford's Election Cases.
Clift Ent. Clift's Entries.
Clin. Dig. Clinton's Digest, New York Reports.
Clin. & Sp. Dig. Clinton & Spencer's Digest.
Clk. Mag. Clerk's Magazine, London;—Rhode Island Clerk's Magazine.
Clode. Clode's Martial Law.
Clow L. C. on Torts. Clow's Leading Cases on Torts.
Clusk. P. T. Cluskey's Political Text Book.
Co. County;—Company;—Coke's Reports, English King's Bench.
Co. B. L. Cooke's Bankrupt Law.
Co. Cop. Coke's Copyholder.
Co. Ct. Cas. County Court Cases, English.
Co. Ct. Ch. County Court Chronicle, English.
Co. Ct. Rep. County Court Reports, Pa.
Co. Cts. Coke on Courts (4th Inst.).
Co. Ent. Coke's Entries.
Co. G. Reports and Cases of Practice in Common Pleas *tempore* Anne, Geo. I., and Geo. II., by Sir G. Coke. (Same as Cooke's Practice Reports.)
Co. Inst. Coke's Institutes.
Co. Litt. The First Part of the Institutes of the Laws of England, or a Commentary on Littleton, by Sir Edward Coke.
Co. M. C. Coke's Magna Charta (2d Inst.).
Co. P. C. Coke's Pleas of the Crown (3d Inst.);—Coke's Reports, English King's Bench.
Co. Pal. County Palatine.
Co. Pl. Coke's Pleadings (sometimes published separately).
Co. R. (N. Y.). Code Reporter, New York.
Co. Rep. Coke's Reports, English King's Bench.
Co. R. N. S. Code Reporter, New Series.
Cobb. Cobb's Reports, vols. 4-20 Georgia;—Cobb's Reports, vol. 121 Alabama.
Cobb. Cas. Int. L. Cobbett's Cases on International Law.
Cobb. Parl. Hist. Cobbett's Parliamentary History.
Cobb. Pol. Reg. Cobbett's Political Register.
Cobb Slav. Cobb on Slavery.
Cobb. St. Tr. Cobbett's (afterwards Howell's) State Trials.
Cochr. Cochran's Nova Scotia Reports;—Cochrane's Reports, vols. 3-10 North Dakota.
Cock. Nat. Cockburn on Nationality.
Cock. Tich. Ca. Cockburn's Charge in the Tichborne Case.
Cock. & Rowe. Cockburn and Rowe's English Election Cases.
Cocke. Cocke's Reports, vols. 16-18 Alabama;—Cocke's Reports, vols. 14, 15 Florida.
Cocke (Fla.). Cocke's Reports, Florida Reports, vols. 14, 15.
Cocke Const. His. Cocke's Constitutional History.
Cocke Pr. Cocke's Practice in the U. S. Courts.
Cod. Codex Justiniani.
Cod. Jur. Civ. Codex Juris Civilis;—Justinian's Code.
Cod. Theodos. Codex Theodorianus.
Code. Criminal Code of Canada, 1892.
Code Civ. Code Civil, or Civil Code of France.
Code Civ. Pro. or Code Civ. Proc. Code of Civil Procedure.
Code Civil. Code Civil or Civil Code of France.
Code Comm. Code de Commerce.
Code Cr. Pro. or Code Cr. Proc. Code of Criminal Procedure.
Code de Com. Code de Commerce.
Code d'Instr. Crim. Code d'Instruction Criminelle.
Code F. Code Forestier.
Code I. Code d'Instruction Criminelle.
Code La. Civil Code of Louisiana.
Code N. or Code Nap. Code Napoléon, French Civil Code.
Code P. Code Pénal.
Code Pro. Code de Procédure Civile;—Code of Procedure.
Code Rep. Code Reporter, New York.
Code Rep. N. S. or Code R. N. S. Code Reports, New Series.
Cof. Dig. Cofer's Digest, Kentucky.
Coffey Prov. Dec. Coffey's Probate Decisions.
Cogh. Epit. Coghlan's Epitome of Hindu Law Cases.
Coke. Coke's English King's Bench Reports (cited by parts and not by volume).
Coke Inst. Coke's Institutes.
Coke Lit. Coke on Littleton.
Col. Colorado;—Colorado Reports;—Coldwell's Reports, Tennessee;—Coleman's Reports, vols. 99, 101-106, 110-142, Alabama;—Column.
Col. App. Colorado Appeals.
Col. Cas. Coleman's Cases (of Practice), New York.
Col. C. C. Collyer's English Chancery Cases.
Col. L. J. Colonial Law Journal, New Zealand.
Col. L. Rep. Colorado Law Reporter.
Col. Law Review. Columbia Law Review.
Col. & Cai. or Col. & Cai. Cas. Coleman & Caines's Cases, New York.
Colb. Pr. Colby's Practice.
Cold. or Coldw. Coldwell's Tennessee Reports.
Cole. Cole's edition of Iowa Reports;—Coleman's Reports, vols. 99, 101-106, 110-142 Alabama.
Cole. Cas. Pr. Coleman's Cases, New York.
Cole. Dig. Colebrooke's Digest of Hindoo Law.
Cole Eject. Cole's Law and Practice in Ejectment.
Cole Inf. Cole on Criminal Information.
Cole. & C. Coleman & Caines's Cases, New York.
Coll. Colles's Parliamentary Cases.
Coll. or Coll. C. C. Collyer's English Chancery Cases.
Coll. Caus. Cel. Collection des Causes Célèbres, Paris.
Coll. Contrib. Collier's Law of Contributories.
Coll. Id. Collinson on the Law Concerning Idiots.
Coll. Jur. Collectanea Juridica.
Coll. Min. Collier on Mines.
Coll. Part. Collyer on Partnership.
Coll. P. C. or Coll. Parl. Cas. Colles's English Parliamentary (House of Lords) Cases.
Coll. Pat. Collier on the Law of Patents.
Coll. & E. Bank. Collier and Eaton's American Bankruptcy Reports.
Colles. Colles's English Parliamentary Cases.
Collin. Lun. Collinson on Lunacy.
Colly. Collyer's English Vice Chancellors's Reports.
Colly. Partn. Collyer on Partnerships.
Colo. Colorado Reports.
Colq. Colquit's Reports (1 Modern Reports).
Colq. C. L. Colquhoun's Civil Law.
Colq. R. Colquit's Reports (1 Modern).
Colq. Rom. Civil Law. Colquhoun's Roman Civil Law.
Colt. Coltman, Reg. App. Cas.
Colt. Reg. Ca. or Colt. Reg. Cas. Coltman's Registration Cases.
Colum. Law T. Columbia Law Times.
Colvil. Colvil's Manuscript Decisions, Scotch Court of Session.
Com. Comyn's Reports, English King's Bench;—Comberbach's English King's Bench Reports;—Comstock's Reports, vols. 1-4 New York Court of Appeals;—Communes, or Extravagantes Communes;—Commissioner;—Commentary;—Blackstone's Commentaries.
Com. B. English Common Bench Reports, by Manning, Granger & Scott.
Com. B. N. S. English Common Bench Reports, New Series, by Manning, Granger & Scott.

- Com. Cas.* Commercial Cases, England.
Com. Cont. Comyn on Contracts.
Com. Dig. Comyn's Digest.
Com. Jour. Journals of the House of Commons.
Com. Law. Commercial Law;—Common Law.
Com. L. R. or *Com. Law R.* or *Com. Law Rep.* English Common Law Reports;—Common Law Reports, published by Spottiswoode.
Com. L. & T. Comyn on Landlord and Tenant.
Com. P. Div. Common Pleas Division, English Law Reports.
Com. Pl. Common Pleas, English Law Reports.
Com. Pl. Div. Common Pleas Division, English Law Reports.
Com. P. Repr. Common Pleas Reporter, Scranton, Penna.
Com. U. Comyn on Usury.
Com. & Leg. Rep. Commercial and Legal Reporter, Nashville, Tenn.
Comb. Comberbach's Reports, English King's Bench.
Comp. Dec. Comptroller's Decisions.
Comp. Laws. Compiled Laws.
Comp. St. Compiled Statutes.
Coms. Comstock's Reports, New York Ct. of Appeals Reports, vols. 1-4.
Coms. Ex. Comstock on Executors.
Comst. Comstock's Reports, New York Court of Appeals, vols. 1-4.
Comyn. Comyn's Reports, English King's Bench and Common Pleas.
Comyn's Dig. Comyn's Digest, English.
Con. Conover's Reports, Wisconsin;—Continuation of Rolfe's Reports (2 Rolle);—Connolly, New York Criminal.
Con. Cus. Conroy's Custodian Reports.
Con. Dig. Connor's Digest.
Con. Par. Connell on Parishes.
Con. & Law. Connor & Lawson's Reports, Irish Chancery.
Com. & Sim. Connor & Simonton's Equity Digest.
Cond. Condensed.
Cond. Ch. R. or *Cond. Eng. Ch.* Condensed English Chancery Reports.
Cond. Eccl. or *Cond. Ecc. R.* Condensed Ecclesiastical Reports.
Cond. Eng. Ch. Condensed English Chancery Reports.
Cond. Exch. R. or *Cond. Ex. R.* Condensed Exchequer Reports.
Cond. Rep. U. S. Peter's Condensed United States Reports.
Condy Mar. Marshall's Insurance, by Condy.
Conf. Cameron & Norwood's Conference Reports, North Carolina.
Conf. Chart. Confirmatio Chartarum.
Cong. El. Cas. or *Cong. Elect. Cas.* Congressional Election Cases.
Cong. Rec. Congressional Record, Washington.
Congr. Globe. Congressional Globe, Washington.
Congr. Rec. Congressional Record, Washington.
Conk. Adm. Conkling's Admiralty.
Conk. Jur. & Pr. or *Conk. Pr.* Conkling's Jurisdiction and Practice, U. S. Courts.
Conn. Connecticut;—Connecticut Reports;—Connolly, New York, Surrogate.
Connolly. Connolly, New York Surrogate.
Conover. Conover's Reports, vols. 16-153 Wisconsin.
Conr. Conroy's Custodian Reports, Irish.
Cons. del Mare. Consolato del Mare.
Cons. Ord. in Ch. Consolidated General Orders in Chancery.
Consist. or *Consist. Rep.* English Consistorial Reports, by Haggard.
Consolid. Ord. Consolidated General Orders in Chancery.
Const. Constitution;—Constitutional Reports, South Carolina, by Mill;—Constitutional Reports, South Carolina, by Treadway;—Constitutional Reports, vol. 1 South Carolina, by Harper.
Const. Hist. Hallam's Constitutional History of England.
Const. N. S. Constitutional Reports (Mill), South Carolina, New Series.
Const. Oth. Constitutiones Othoni (found at the end of Lyndewood's Provinciale).
Const. S. C. Treadway's Constitutional Reports, South Carolina.
Const. (N. S.) S. C. Mill's Constitutional Reports, New Series, South Carolina.
Const. U. S. Constitution of the United States.
Consuet. Feud. Consuetudines Feudorum, or the Book of Forms.
Cont. Contra.
Co. & Al. Cooke & Alcock's Irish King's Bench Reports.
Cook V. Adm. Cook's Vice-Admiralty Reports, Nova Scotia.
Cooke. Cooke's Cases of Practice, English Common Pleas;—Cooke's Reports, Tennessee.
Cooke (Tenn.). Cooke's Reports, Tennessee.
Cooke Agr. T. Cooke on Agricultural Tenancies.
Cooke B. L. Cooke's Bankrupt Law.
Cooke Cop. Cooke's Law of Copyhold Enfranchisements.
Cooke Def. Cooke's Law of Defamation.
Cooke I. A. or *Cooke, Incl. Acts.* Cooke's Inclosure Acts.
Cooke Pr. Cas. Cooke's Practice Reports, English Common Pleas.
Cooke Pr. Reg. Cooke's Practical Register of the Common Pleas.
Cooke & Al. or *Cooke & Alc.* Cooke & Alcock's Reports, Irish King's Bench.
Cooke & H. Cooke & Harwood's Charitable Trust Acts.
Cooley. Cooley's Reports, vols. 5-12 Michigan.
Cooley Const. L. Cooley on Constitutional Law.
Cooley Const. Lim. Cooley on Constitutional Limitations.
Cooley Tax. Cooley on Taxation.
Cooley Torts. Cooley on Torts.
Coop. Cooper's Tennessee Chancery Reports;—Cooper's Reports, vols. 21-24 Florida;—Cooper's English Chancery Reports *tempore* Eldon;—Cooper's English Chancery Reports *tempore* Cottenham;—Cooper's English Chancery Reports *tempore* Brougham;—Cooper's English Practice Cases, Chancery.
Coop. (Tenn.). Cooper's Reports, Tennessee.
Coop. C. C. or *Coop. Cas.* Cooper's Chancery Cases *temp.* Cottenham.
Coop. C. & P. R. Cooper's Chancery and Practice Reporter, Upper Canada.
Coop. Ch. Cooper's Tennessee Chancery Reports.
Co-op. Dig. Co-operative Digest, United States Reports.
Coop. Eq. Pl. Cooper's Equity Pleading.
Coop. Inst. or *Coop. Jus.* Cooper's Institutes of Justinian.
Coop. Med. Jur. Cooper's Medical Jurisprudence.
Coop. Pr. Cas. Cooper's Practice Cases, English Chancery.
Coop. Sel. Cas. Cooper's Select Cases *tempore* Eldon, English Chancery.
Coop. t. Br. or *Coop. t. Brough.* Cooper's Reports *temp.* Brougham, English Chancery.
Coop. t. Cott. or *Coop. t. Cotten.* Cooper's Cases *tempore* Cottenham, English Chancery.
Coop. t. Eld. Cooper's Reports *temp.* Eldon, English Chancery.
Coop. Tenn. Ch. Cooper's Tennessee Chancery Reports.
Cooper. Cooper's Reports, English Chancery *temp.* Eldon.
Coote Adm. Coote's Admiralty Practice.
Coote Ecc. Pr. Coote's Ecclesiastical Practice.
Coote L. & T. Coote's Landlord and Tenant.
Coote Mort. Coote on Mortgages.
Coote Pro. Pr. or *Coote, Prob. Pr.* Coote's Probate Practice.
Coote & Tr. Coote & Tristram's Probate Court Practice.
Cop. Cop. Copinger on Copyright.
Cop. Ind. Pr. Copinger's Index to Precedents.
Cope. Cope's Reports, vols. 63-72 California.
Copp L. L. Copp's Public Land Laws.
Copp Land. Copp's Land Office Decisions.
Copp Land Off. Bull. Copp's Land Office Bulletin.
Copp Min. Dec. or *Copp U. S. Min. Dec.* Copp's United States Mining Decisions.

Copp U. S. Min. L. Copp's U. S. Mineral Land Laws.

Cor. Coram;—Coryton's Bengal Reports.

Corb. & Dan. Corbett & Daniel's Parliamentary Election Cases.

Cord Mar. Wom. Cord on Married Women.

Corp. D. Cornish on Purchase Deeds.

Corn. Dig. Cornwell's Digest.

Corn. Uses. Cornish on Uses.

Corn. Rem. Cornish on Remainders.

Cornw. Tab. Cornwall's Table of Precedents.

Corp. Jur. Can. Corpus Juris Canonici.

Corp. Jur. Civ. Corpus Juris Civilis.

Corry. Corryton's Reports, Calcutta.

Corvin. Corvinus's Elementa Juris Civilis.

Cory. Coryton's Reports, Calcutta.

Cory. Cop. Coryton on Copyright.

Cory. Pat. Coryton on Patents.

Cot. Abr. Cotton's Abridgment of the Records.

Cou. Couper's Justiciary Reports, Scotland.

Coul. & F. Waters. Coulston & Forbes on Waters.

Counsellor. The Counsellor, New York City.

County Ct. Rep. County Court Reports, English.

County Ct. Rep. N. S. County Court Reports, New Series, English.

County Cts. Ch. County Courts Chronicle, London.

County Cts. & Bankr. Cas. County Courts and Bankruptcy Cases.

Coup. or Coup. Just. Couper's Justiciary Reports, Scotland.

Court Cl. U. S. Court of Claim Reports.

Court J. & Dist. Ct. Rec. Court Journal and District Court Record.

Court Sess. Ca. or Court Sess. Cas. Court of Sessions Cases, Scotch.

Court. & Maccl. Courteney and Maclean's Scotch Appeals (6-7 Wilson and Shaw).

Cout. Dig. Coutlée's Digest, Canada Supreme Court.

Cov. Ev. Coventry on Evidence.

Cow. Cowen's New York Reports;—Cowper's English King's Bench Reports.

Cow. Cr. Dig. Cowen's Criminal Digest.

Cow. Cr. or Cow. Cr. Rep. Cowen's Criminal Reports, New York.

Cow. Dic. Cowell's Law Dictionary.

Cow. Dig. Cowell's East India Digest.

Cow. Inst. Cowell's Institutes of Law.

Cow. Int. Cowell's Interpreter.

Cow. N. Y. Cowen's New York Reports.

Cowell. Cowell's Law Dictionary;—Cowell's Interpreter.

Cowp. Cowper's Reports, English King's Bench.
Cowp. Cas. Cowper's Cases (in the third volume of Reports in Chancery).

Cox. Cox's English Chancery Reports;—Cox's English Criminal Cases;—Cox's Reports, vols. 25-27 Arkansas.

Cox Am. Tr. M. Cas. Cox's American Trademark Cases.

Cox (Ark.). Cox's Reports vols. 25-27 Arkansas.
Cox C. C. Cox's English Criminal Cases;—Cox's Crown Cases;—Cox's County Court Cases.

Cox Ch. Cox's English Chancery Cases.

Cox Cr. Cas. Cox's English Criminal Cases.

Cox Cr. Dig. Cox's Criminal Law Digest.

Cox Elect. Cox on Ancient Parliamentary Elections.

Cox Eq. Cox's Reports, English Chancery.

Cox Gov. Cox's Institutions of the English Government.

Cox Inst. Cox's Institutions of the English Government.

Cox J. S. Cox on Joint Stock Companies.

Cox J. S. Cas. Cox's Joint Stock Cases.

Cox M. C. Cox's Magistrate Cases.

Cox, McC. & H. Cox, McCrae and Hertslett's County Court Reports, English.

Cox Mag. Ca. Cox's Magistrate Cases.

Cox Man. Tr. M. or Cox Tr. M. Cox's Manual of Trade-Mark Cases.

Cox Tr. M. Cas. Cox's American Trade-Mark Cases.

Cox & Atk. Cox & Atkinson, English Registration Appeal Reports.

Coxe. Coxe's Reports, New Jersey.

Coxe & Melm. Coxe & Melmoth MSS. Cases on Fraud, in May on Fraudulent Conveyances.

Cr. Cranch's Reports, United States Supreme Court;—Cranch's United States Circuit Court Reports;—Craig's Jus Feudale, Scotland.

Cr. or Cr. C. C. or Cra. or Cra. C. C. Cranch's Reports U. S. Circuit Court, Dist. of Columbia.

Cr. Cas. Res. Crown Cases Reserved, Law Reports.

Cr. Code. Criminal Code.

Cr. Code Prac. Criminal Code of Practice.

Cr. M. & R. Crompton, Meeson & Roscoe's English Exchequer Reports.

Cr. Pat. Dec. Cranch's Decisions on Patent Appeals.

Cr. S. & P. Craigie, Stewart & Paton's Scotch Appeal Cases (same as Paton).

Cr. & Dix. Crawford & Dix's Irish Circuit Court Cases.

Cr. & Dix Ab. Cas. Crawford & Dix's (Irish) Abridged Notes of Cases.

Cr. & Dix C. C. Crawford & Dix's Irish Circuit Court Cases.

Cr. & J. Crompton & Jervis.

Cr. & M. Crompton & Meeson's English Exchequer Reports.

Cr. & Ph. Craig & Phillips's English Chancery Reports.

Cr. & St. Craigie and Stewart, House of Lords (Sc.) Reports.

Cra. Cranch's Reports, U. S. Supreme Court.

Cra. C. C. Cranch's Reports, U. S. Circ. Court, Dist. of Col.

Crabb. Crabb's United States District Court Reports.

Crabb Com. L. or Crabb Com. Law. Crabb on the Common Law.

Crabb Conv. Crabb's Conveyancing.

Crabb. Dig. Crabb's Digest of Statutes from Magna Charta to 9 & 10 Victoria.

Crabb, Eng. Law. Crabb's History of the English Law.

Crabb Hist. or Crabb Hist. Eng. Law. Crabb's History of the English Law.

Crabb R. P. or Crabb Real Prop. Crabb on the Law of Real Property.

Crabb, Technol. Dict. Crabb's Technological Dictionary.

Crabbe. Crabbe's United States District Court Reports;—Crabbe's Reports, District Court of U. S., Eastern District of Penna.

Craig Pr. Craig's Practice.

Craig & P. or Craig & Ph. Craig and Phillip's English Chancery.

Craig. & St. Craigie, Stewart and Paton's English House of Lords, Appeals from Scotland.

Craigius, Jus Feud. Craigius Jus Feudale.

Craik or Craik C. C. Craik's English Causes Célèbres.

Cranch. Cranch's Reports, U. S. Supreme Court.
Cranch C. C. or Cranch D. C. Cranch's Reports, U. S. Circuit Ct., District of Columbia.

Cranch Pat. Dec. Cranch's Patent Decisions.

Crane. Crane's Reports, vols. 22-29 Montana.

Craw. Crawford's Reports, vols. 53-69, 72-101 Arkansas.

Craw. & D. Crawford and Dix's Reports, Irish Circuit Cases.

Craw. & D. Abr. C. Crawford and Dix's Abridged Cases, Ireland.

Creasy (Ceylon). Creasy's Ceylon Reports.

Creasy Col. C. Creasy's Colonial Constitutions.

Creasy Int. L. Creasy on International Law.

Cress. Ins. Cas. or Cressw. Ins. Cas. Cresswell's English Insolvency Cases.

Crim. Con. Criminal Conversation, Adultery.

Crim. L. Mag. or Crim. Law Mag. Criminal Law Magazine, Jersey City, New Jersey.

Crim. L. Rec. Criminal Law Recorder.

Crim. L. Rep. Criminal Law Reporter.

Crim. Rec. Criminal Recorder, Philadelphia;—Criminal Recorder, London;—Criminal Recorder, vol. 1 Wheeler's New York Criminal Reports.

Cripp Ch. Cas. or Cripp's Ch. Cas. Cripp's Church Cases.

Cripp Ecc. L. Cripp's Ecclesiastical Law.

Critch. Critchfield's Reports, vols. 5-21 Ohio State.

Cro. Croke's English King's Bench Reports;—
Kellway's English King's Bench Reports by Serj. Croke.
Cro. Car. Croke's Reports *temp.* Charles I. (3 Cro.).
Cro. Eliz. Croke's Reports *temp.* Elizabeth (1 Cro.).
Cro. Jac. Croke's English King's Bench Reports *tempore* James (Jacobus) I. (2 Cro.).
Crock. Notes. Crocker's Notes on Common Forms.
Crock. Sher. Crocker on Sheriffs.
Crockford. English Maritime Law Reports, published by Crockford.
Crompt. Star Chamber Cases by Crompton.
Crompt. Cts. Crompton on Courts.
Crompt. Exch. R. Crompton's Exchequer Reports, English.
Crompt. J. C. or Crompt. Jur. Crompton's Jurisdiction of Courts.
Crompt. M. & R. Crompton, Meeson and Roscoe's Reports, English Exchequer.
Crompt. R. & C. Pr. Crompton's Rules and Cases of Practice.
Crompt. & J. or Crompt. & Jerv. Crompton and Jervis's Reports, English Exchequer.
Crompt. & M. or Crompt. & Mees. Crompton & Meeson's Reports, English Exchequer.
Crosio. Pat. Ca. Crosswell's Patent Cases.
Cross Lien. Cross on Liens.
Crounse. Crounse's Reports, vol. 3 Nebraska.
Crown C. C. Crown Circuit Companion.
Crowth. or Crowthier (Ceylon). Crowthier's Ceylon Reports.
Cruise Dig. or Cruise R. P. Cruise's Digest of the Law of Real Property.
Cruise Titles. Cruise on Titles of Honor.
Cruise Uses. Cruise on Uses.
Crump Ins. or Crump Mar. Ins. Crump on Marine Insurance.
Crumrine. Crumrine's Reports, vols. 116-146 Pennsylvania.
Ct. App. N. Z. Court of Appeals Reports, New Zealand.
Ct. Cl. or Ct. of Cl. Court of Claims, United States.
Ct. of App. Court of Appeals.
Ct. of Err. Court of Error.
Ct. of Gen. Sess. Court of General Sessions.
Ct. of Sess. Court of Session.
Ct. of Spec. Sess. Court of Special Sessions.
Cujacius. Cujacius, Opera, quæ de Jure fecit, etc.
Cul. Culpabilis, Guilty.
Cull. B. L. Cullen's Bankrupt Law.
Cum. C. L. Cummin's Civil Law.
Cum. & Dun. Rem. Tr. Cummins & Dunphy's Remarkable Trials.
Cummins. Cummins's Reports, Idaho.
Cun. or Cunn. Cunningham's Reports, English King's Bench.
Cun. Bills of Ex. Cunningham on Bills of Exchange.
Cun. Dict. Cunningham's Dictionary.
Cunn. or Cunningham. Cunningham's English Bench Reports.
Cur. Curtis' United States Circuit Court Reports;—Curia.
Cur. Adv. Vult. Curia Advisare Vult.
Cur. Can. Cursus Cancellariae.
Cur. Com. Current Comment and Legal Miscellany.
Cur. Dec. Curtis's Decisions, United States Supreme Court.
Cur. Ov. Ca. Curwen's Overruled Cases, Ohio.
Cur. Phil. Curia Philippica.
Cur. Scacc. Curus Scaccarii.
Current Com. Current Comment and Legal Miscellany.
Curry. Curry's Reports, Louisiana Reports, vols. 6-19.
Curt. Curtis' United States Circuit Court Reports;—Curteis' English Ecclesiastical Reports.
Curt. Adm. Dig. Curtis' Admiralty Digest.
Curt. C. C. Curtis' United States Circuit Court Decisions.
Curt. Com. Curtis' Commentaries.

Curt. Cond. Curtis' (Condensed) Decisions, United States Supreme Court.
Curt. Cop. Curtis on Copyrights.
Curt. Dec. Curtis' United States Supreme Court Decisions.
Curt. Dig. Curtis' Digest, United States.
Curt. Ecc. Curteis' English Ecclesiastical Reports.
Curt. Eq. Prec. Curtis' Equity Precedents.
Curt. Jur. Curtis on the Jurisdiction of the U. S. Courts.
Curt. Mer. S. Curtis on Merchant Seamen.
Curt. Pat. Curtis on Patents.
Curtis. Curtis' United States Circuit Court Reports.
Curw. Curwen's Overruled Cases;—Curwen's Statutes of Ohio.
Curw. Abs. Tit. Curwen on Abstracts of Title.
Curw. L. O. Curwen's Laws of Ohio 1854, 1 vol.
Curw. R. S. Curwen's Revised Statutes of Ohio.
Cush. Cushing's Massachusetts Reports;—Cushman's Mississippi Reports.
Cush. Elec. Cas. Cushing's Election Cases in Massachusetts.
Cush. Man. Cushing's Manual.
Cush. Parl. L. Cushing's Parliamentary Law.
Cush. Trust. Pr. Cushing on Trustee Process, or Foreign Attachment.
Cushing. Cushing's Massachusetts Reports.
Cushm. or Cushman. Cushman's Reports, Mississippi Reports, vols. 23-29.
Cust. de Norm. Custume de Normandie.
Cust. K. p. Custer's Ecclesiastical Reports.
Cutl. Cutler on Naturalization.
Cutl. Ins. L. Cutler's Insolvent Laws of Massachusetts.
Cut. Pat. Cas. Cutler's Trademark and Patent Cases, 11 vols.
Cyc. Cyclopædia of Law and Procedure.
D. Decree. Décret. Dictum;—Digest, particularly the Digest of Justinian;—Dictionary, particularly Morison's Dictionary of the Law of Scotland;—Delaware;—Dallas's United States and Pennsylvania Reports;—Denio's Reports, New York;—Dunlop, Bell & Murray's Reports, Scotch Session Cases (Second Series);—Digest of Justinian, 50 books, never been translated into English;—Disney, Ohio;—Divisional Court;—Dowling, English;—Dominion of Canada.
D. B. Domesday Book.
D. C. District Court. District of Columbia.
D. C. L. Doctor of the Civil Law.
D. Chip. D. Chipman's Reports, Vermont.
D. Dec. Dix's School Decisions, New York.
D. F. & J. De Gex, Fisher, and Jones's Reports, English Chancery.
D. G. De Gex;—De Gex's English Bankruptcy Reports.
D. G. F. & J. De Gex, Fisher, & Jones's English Chancery Reports.
D. G. F. & J. B. De Gex, Fisher, & Jones's English Bankruptcy Reports.
D. G. J. & S. De Gex, Jones & Smith's English Chancery Reports.
D. G. J. & S. B. De Gex, Jones & Smith's English Bankruptcy Reports.
D. G. M. & G. De Gex, Macnaghten, & Gordon's English Chancery Reports.
D. G. M. & G. B. De Gex, Macnaghten, & Gordon's English Bankruptcy Reports.
D. J. & S. De Gex, Jones, and Smith's Reports, English Chancery.
D. M. & G. De Gex, Macnaghten, and Gordon's Reports, English Chancery.
D. N. S. Dowling's Reports, New Series, English Bail Court;—Dow, New Series (Dow & Clark, English House of Lords Cases);—Dowling's Practice Cases, New Series, English.
D. P. Domus Procerum, House of Lords.
D. P. B. Dampier Paper Book. See *A. P. B.*
D. P. C. Dowling's Practice Cases, Old Series.
D. Pr. Darling's Practice, Court of Session.
D. S. Deputy Sheriff.
D. S. B. Debit sans breve.
D. & B. or D. & B. C. C. Dearsly & Bell's English Crown Cases, Reserved.

D. & C. Dow and Clark's English House of Lords (Parliamentary Cases).

D. & C. or D. & Ch. or D. & Chit. Deacon and Chitty's Bankruptcy Cases, English.

D. & E. Durnford and East, English King's Bench Term Reports.

D. & J. De Gex and Jones's Reports, English Chancery.

D. & J. B. De Gex and Jones's English Bankruptcy Reports.

D. & L. Dowling and Lowndes's English Bail Court Reports.

D. & M. Davison and Merivale's Reports, English Queen's Bench.

D. & P. Dennison and Pearce's Crown Cases, English.

D. & R. Dowling and Ryland's Reports, English King's Bench.

D. & R. M. C. Dowling and Ryland's Magistrate Cases.

D. & E. N. P. or D. & R. N. P. C. Dowling & Ryland's English Nisi Prius Cases.

D. & S. Drewry & Smale's Chancery Reports;— Doctor and Student;—Deane and Swabey.

D. & Sm. Drew and Smale's English V. C. Reports.

D. & Sw. Deane and Swabey, English Ecclesiastical Reports.

*D. & W. Drury & Walsh's Irish Chancery Reports;—*Drury & Warren's Irish Chancery Reports.

D. & War. Drury and Warren's Reports, Irish Chancery.

Dag. Cr. L. Dagge's Criminal Law.

Dak. Dakota;—Dakota Territory Reports.

Dal. Dallas's United States Reports;—Dalison's English Common Pleas Reports (bound with Benloe);—Dalrymple's Scotch Session Cases.

Dal. Coop. Dallas's Report of Cooper's Opinion on the Sentence of a Foreign Court of Admiralty.

Dale. Dale's Reports, vols. 2-4 Oklahoma.

Dale Ecc. Dale's Ecclesiastical Reports, English.

Dale Leg. Rit. Dale's Legal Ritual (Ecclesiastical) Reports.

Dalison. Dalison's English Common Pleas Reports (bound with Benloe).

Dall. Dallas's Reports, U. S. Supreme Court and Pennsylvania Courts.

Dall. Dec. or Dall. Dig. Dallam's Texas Decisions, printed originally in Dallam's Digest.

Dall. L. Dallas's Laws of Pennsylvania.

Dall. in Keil. Dallison in Keilway's Reports, English King's Bench.

Dall. S. C. Dallas's United States Supreme Court Reports.

Dall. Sty. Dallas's Styles, Scotland.

Dall. (Tex.). Dallam's Texas Reports.

Dall. Tex. Dig. Dallam's Texas Digest.

Dallam. Dallam's Decisions, Texas Supreme Court.

Dallas. Dallas's Pennsylvania and United States Reports.

Dalloz. Dictionnaire général et raisonné de législation, de doctrine, et de jurisprudence, en matière civile, commerciale, criminelle, administrative, et de droit public.

Dalr. Dalrymple's Decisions, Scotch Court of Session;—(Dalrymple of) Stair's Decisions, Scotch Court of Session;—(Dalrymple of) Hailes's Scotch Session Cases.

Dalr. Ent. Dalrymple on the Polity of Entails.

Dalr. F. L. or Dalr. Feud. Pr. or Dalr. Feud. Prop. Dalrymple on Feudal Property.

Dalr. Ten. Dalrymple on Tenures.

Dalrymple. (Sir Hew) Dalrymple's Scotch Session Cases;—(Sir David Dalrymple of) Hailes's Scotch Session Cases;—(Sir James Dalrymple of) Stair's Scotch Session Cases. See, also, Dal. and Dalr.

Dalt. Just. Dalton's Justice.

Dalt. Sh. Dalton's Sheriff.

Daly. Daly's Reports, New York Common Pleas.

Dampier MSS. Dampier's Paper Book, Lincoln's Inn Library.

D'An. D'Anvers's Abridgment.

Dan. Daniell's Exchequer and Equity Reports;—Dana's Kentucky Reports;—Danner's Reports, vol. 42 Alabama.

Dan. Ch. Pr. Daniel's Chancery Practice.

Dan. Neg. Inst. Daniel's Negotiable Instruments.

Dan. Ord. Danish Ordinance.

Dan. T. M. Daniels on Trademarks.

Dan. & Ll. or Dan. & Lld. Danson & Lloyd's Mercantile Cases.

Dana. Dana's Reports, Kentucky.

Dane Abr. Dane's Abridgment.

Daniel, Neg. Inst. Daniel's Negotiable Instruments.

Daniell, Ch. Pr. Daniell's Chancery Practice.

Dann. Dann's Arizona Reports;—Danner's Reports, vol. 42 Alabama;—Dann's California Reports.

Danner. Danner's Reports, Alabama Reports, vol. 42.

Dans. & L. or Dans. & Lld. Danson & Lloyd's English Mercantile Cases.

D'Anv. Abr. D'Anvers's Abridgment.

Darb. & B. Darby & Bosanquet on Limitations.

Darl. Pr. Ct. Sess. Darling, Practice of the Court of Session (Scotch).

Dart. Col. Cas. Report of Dartmouth College Case.

Dart Vend. Dart on Vendors and Purchasers.

Das. Dasent's Bankruptcy and Insolvency Reports;—Common Law Reports, vol. 3.

Dass. Dig. Dassler's Digest Kansas Reports.

Dauph. Co. Rep. Dauphin County Reporter, Pennsylvania.

Dav. Daveis's United States District Court Reports (now republished as 2 Ware);—Davy's or Davies's Irish King's Bench and Exchequer Reports;—Davies's English Patent Cases;—Davis's Reports (Abridgment of Sir Edward Coke's Reports);—Davis's Reports, vol. 2 Hawaii;—Davis's United States Supreme Court Reports.

Dav. Coke. Davis's Abridgment of Coke's Reports.

Dav. Con. or Dav. Conv. Davidson's Conveyancing.

Dav. Dig. Davis's Indiana Digest.

Dav. Eng. Ch. Can. Davis's English Church Canon.

Dav. Ir. or Dav. Ir. K. B. Davies's Reports, Irish King's Bench.

Dav. Jus. Davis's Justice of the Peace.

Dav. Pat. Cas. Davies's Patent Cases, English Courts.

Dav. Prec. or Dav. Prec. Conv. Davidson's Precedents in Conveyancing.

Dav. Rep. Davies's (Sir John) Reports, King's Bench, Ireland.

Dav. (U. S.). Daveis's Reports, U. S. Dist. of Maine (2d Ware).

Dav. & M. or Dav. & Mer. Davison & Merivale's Reports, English Queen's Bench.

Daveis. Daveis's United States District Court Reports (republished as 2 Ware).

Davidson. Davidson's Reports, vols. 92-111 North Carolina.

Davies. Davies's (or Davis's or Davys's) Irish King's Bench Reports.

Davis. Davis's Hawaiian Reports;—Davies's (or Davys's) Irish King's Bench Reports;—Davis's Reports, vols. 108-176 United States Supreme Court.

Davis (J. C. B.). Davis's United States Supreme Court Reports.

Davis Bldg. Soc. or Davis Build. Davis's Law of Building Societies.

Davis Rep. Davis's Reports, Sandwich Island.

Daw. Arr. Dawe on the Law of Arrest in Civil Cases.

Daw. Land. Pr. Dawe's Epitome of the Law of Landed Property.

Daw. Real Pr. Dawe's Introduction to the Knowledge of the Law on Real Estates.

Day. Day's Connecticut Reports;—Connecticut Reports, proper, reported by Day.

Day Elect. Cas. Day's Election Cases.

Day Pr. Day's Common Law Practice.

Dayt. Surr. Dayton on Surrogates.

Dayt. Term Rep. Dayton Term Reports, Dayton, Ohio.

De Bois. Halluc. De Boismont on Hallucinations.

De Burgh Mar. Int. L. De Burgh on Maritime International Law.

De Colyar's Quar. De Colyar's Law of Quarantine.

- D'Ewes.* D'Ewes's Journal and Parliamentary Collection.
- De G.* De Gex's Reports, English Bankruptcy.
- De G. F. & J.* De Gex, Fisher, & Jones's Reports, English Chancery.
- De G. F. & J. B. App.* or *De G. F. & J. By.* De Gex, Fisher, & Jones's Bankruptcy Appeals, English.
- De G. J. & S.* De Gex, Jones, & Smith's Reports, English Chancery.
- De G. J. & S. Bankr.* or *De G. J. & S. By.* De Gex, Jones, & Smith's Bankruptcy Appeals, English.
- De G. M. & G.* De Gex, Macnaghten, & Gordon's English Bankruptcy Reports;—De Gex, Macnaghten, & Gordon's English Chancery Reports.
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- De G. & J.* De Gex & Jones's Reports, English Chancery.
- De G. & J. Bankr.* or *De G. & J. By.* De Gex & Jones's English Bankruptcy Appeals.
- De G. & Sm.* De Gex & Smale's Reports, English Chancery.
- De Gex.* De Gex's English Bankruptcy Reports.
- De Gex, M. & G.* De Gex, Macnaghten & Gordon's Reports, English.
- De H. M. L.* or *De Hart, Mil. Law.* De Hart on Military Law.
- De Jure Mar.* Malloy's De Jure Maritimo.
- De L. Const.* De Lolme on the English Constitution.
- Dea.* Deady's United States District Court Reports.
- Dea. & Chit.* Deacon & Chitty's English Bankruptcy Reports.
- Dea. & Sw.* Deane & Swabey's Reports, English Ecclesiastical Courts;—Deane & Swabey's Reports, Probate and Divorce.
- Deac.* Deacon's Reports, English Bankruptcy.
- Deac. Bankr.* Deacon on Bankruptcy.
- Deac. & C.* or *Deac. & Chit.* Deacon & Chitty's English Bankruptcy Reports.
- Deady.* Deady's Reports, U. S. Dist. of Oregon.
- Dean Med. Jur.* Dean's Medical Jurisprudence.
- Deane.* Deane (& Swabey's) English Probate and Divorce Reports;—Deane's Reports vols. 24-26 Vermont.
- Deane Conv.* Deane's Conveyancing.
- Deane Ecc.* or *Deane Ecc. Rep.* Deane & Swabey's English Ecclesiastical Reports.
- Deane N.* Deane on Neutrals.
- Deane & Sw.* Deane & Swabey's English Ecclesiastical Reports.
- Dears.* or *Dears.* C. C. or *Dears. & B.* or *Dears. & B. C. C.* Dearsly's & Bell's English Crown Cases Reserved.
- Deas & And.* Deas & Anderson's Scotch Court of Session Cases.
- Deb. Jud.* Debates on the Judiciary.
- Dec. Com. Pat.* Decisions of the Commissioner of Patents.
- Dec. Dig.* American Digest, Decennial Edition.
- Dec. Joint Com.* Decisions of the Joint Commission.
- Dec. O.* Ohio Decisions.
- Dec. T. H. & M.* Decisions in Admiralty *tempore* Hay & Marriott.
- Decen. Dig.* American Digest, Decennial Edition.
- Deft.* Defendant.
- Degge.* Degge's Parson's Companion.
- Del.* Delaware; — Delaware Reports; — Delane's English Revision Cases.
- Del. Ch.* Delaware Chancery Reports, by Bates.
- Del. Co.* Delaware County Reports, Pennsylvania.
- Del. Cr. Cas.* Delaware Criminal Cases, by Houston.
- Del. El. Cas.* Delane's English Election (Revision) Cases.
- Deleg.* Court of Delegates.
- Delehanty.* Delehanty's New York Miscellaneous Reports.
- De Lolme, Eng. Const.* De Lolme on the English Constitution.
- Dem.* or *Dem. Surr.* Demarest's New York Surrogate Reports.
- Demol.* or *Demol. C. N.* Demolombe's Code Napoléon.
- Den.* Denio's New York Reports;—Denio's Reports, vols. 32-46 Louisiana Annual;—Denied.
- Den.* or *Denio.* Denio's Reports, New York.
- Den. C. C.* Denison's English Crown Cases.
- Den. & P.* Denison & Pearce's English Crown Cases, vol. 2 Denison.
- Denio.* Denio's New York Reports.
- Denis.* Denis's Reports, vols. 32-46 Louisiana.
- Dens.* Denslow's Notes to second edition, vols. 1-3 Michigan Reports.
- Denver L. J.* Denver Law Journal.
- Denver L. N.* Denver Legal News.
- De Orat.* Cicero, De Oratore.
- Des., Dess.,* or *Dessauss.* or *Desaus. Eq.* Dessaussure's Reports, South Carolina.
- Dest. Cal. Dig.* Desty's California Digest.
- Desty Com. & Nav.* Desty on Commerce and Navigation.
- Desty Fed. Const.* Desty on the Federal Constitution.
- Desty Fed. Proc.* Desty's Federal Procedure.
- Desty Sh. & Adm.* Desty on Shipping and Admiralty.
- Dev.* Devereux's North Carolina Law Reports;—Devereux's Reports, United States Court of Claims.
- Dev. C. C.* or *Dev. Ct. Cl.* Devereux's Reports, United States Court of Claims.
- Dev. Eq.* Devereux's Equity Reports, North Carolina, vols. 16-17.
- Dev. L.* or *Dev. (N. C.).* Devereux's Law Reports, North Carolina, vols. 12-15.
- Dev. & B. Eq.* or *Dev. & Bat. Eq.* Devereux & Battle's Equity Reports, North Carolina.
- Dev. & B. L.* or *Dev. & Bat.* Devereux & Battle's Law Reports, North Carolina.
- Dew.* Dewey's Reports, vols. 60-70 Kansas;—Dewey's Kansas Court of Appeals Reports.
- De Witt.* De Witt's Reports, vols. 24-42 Ohio State.
- Di.* or *Dy.* Dyer's English Reports, King's Bench.
- Dial. de Scac.* Dialogus de Scaccario.
- Dibb F.* Dibb's Forms of Memorials.
- Dice (Ind.).* Dice's Reports, vols. 71-99 Indiana.
- Dicey, Const.* Dicey, Lectures Introductory to the Study of the Law of the English Constitution.
- Dicey Dom.* Dicey on Domicil.
- Dicey Part.* Dicey on Parties to Actions.
- Dick.* Dickens's English Chancery Reports;—Dickinson's Reports, vols. 46-59 New Jersey Equity.
- Dick. Ch. Prec.* Dickinson's Chancery Precedents.
- Dick. Pr.* or *Dick. Qr. Sess.* Dickinson's Practice of the Quarter and other Sessions.
- Dickson Ev.* Dickson's Law of Evidence.
- Dict.* Dictionary.
- Dig.* Digest;—Digest of Justinian;—Digest of Writs.
- Dig. Proem.* Digest of Justinian, Proem.
- Digby R. P.* Digby on Real Property.
- Dil.* or *Dill.* Dillon's United States Circuit Court Reports.
- Dill. Mun. Corp.* Dillon on Municipal Corporations.
- Dir.* Dirleton's Decisions, Scotch Court of Session.
- Dis.* or *Disn.* Disney's Superior Court Reports Cincinnati, Ohio.
- Disn. Gam.* Disney's Law of Gaming.
- Dist. Rep.* District Reports.
- Div.* Division, Courts of the High Court of Justice.
- Div. & Matr. C.* Divorce and Matrimonial Causes Court.
- Doct. Pl.* Doctrina Placitanda.
- Doct. & Stud.* Doctor and Student.
- Dod.* or *Dods.* Dodson's English Admiralty Reports.
- Dod. Adm.* Dodson's Reports, English Admiralty Courts.
- Dods.* Dodson's Reports, English Admiralty Courts.
- Dom.* or *Domat.* Domat on Civil Law.
- Dom. Book.* Domesday Book.

- Dom. Proc.* Domus Procerum. In the House of Lords.
- Domat.* Domat on Civil Law.
- Domat Supp. au Droit Public.* Domat, Les Lois Civiles, Le Droit Public, etc. Augmentée des 3e et 4e livres du Droit Public, par M. de Hericourt, etc.
- Domes.* or *Domesd.* or *Domesday.* Domesday Book.
- Donaker.* Donaker's Reports, vol. 154 Indiana.
- Donn.* Donnelly's Reports, English Chancery;—Donnelly's Irish Land Cases.
- Dor. Q. B.* or *Dorion (Quebec).* Dorion's Quebec Queen's Bench Reports;—(Dec. de la Cour D'Appel).
- Dos Passos, Stock-Brok.* Dos Passos on Stock-Brokers and Stock Exchanges.
- Doug.* Douglas's Michigan Reports;—Douglas's English King's Bench Reports;—Douglas's English Election Cases.
- Doug. El. Ca.* or *Doug. El. Cas.* Douglas's English Election Cases.
- Dow.* Dow's House of Lords (Parliamentary) Cases, same as Dow's Reports;—Dowling's English Practice Cases.
- Dow N. S.* Dow & Clark's English House of Lords Cases.
- Dow P. C.* Dow's Parliamentary Cases;—Dowling's English Practice Cases.
- Dow & C.* Dow & Clark's English House of Lords Cases.
- Dow. & L.* Dowling & Lowndes's English Bail Court Reports.
- Dow. & Ry.* Dowling & Ryland's English King's Bench Reports;—Dowling & Ryland's English Nisi Prius Cases.
- Dow. & Ry. M. C.* Dowling & Ryland's English Magistrates' Cases.
- Dow. & Ry. N. P.* Dowling & Ryland's English Nisi Prius Cases. (Often bound at end of vol. 1 Dowling & Ryland's King's Bench Reports.)
- Dowl.* Dowling's English Bail Court (Practice) Cases.
- Dowl. N. S.* Dowling's English Bail Court Reports, New Series.
- Dowl. P. C.* or *Dowl. Pr. C.* Dowling's English Bail Court (Practice) Cases.
- Dowl. Pr. C. N. S.* Dowling's Reports, New Series, English Practice Cases.
- Dowl. & L.* or *Dowl. & Lownd.* Dowling & Lowndes's English Bail Court and Practice Cases.
- Dowl. & R.* or *Dowl. & Ry.* or *Dowl. & Ryl.* Dowling & Ryland's English King's Bench Reports.
- Dowl. & Ry. M. C.* or *Dowl. & Ryl. M. C.* Dowling & Ryland's Magistrate Cases, English.
- Dowl. & Ry. N. P.* or *Dowl. & Ryl. N. P.* Dowling & Ryland's Nisi Prius Cases, English.
- Downt. & Lud.* Downton & Luder's Election Cases, English.
- Dr.* Drewry's English Vice Chancellor's Reports;—Drury's Irish Chancery Reports *tempore* Sugden;—Drury's Irish Chancery Reports *tempore* Napier.
- Dr. R. t. Nap.* Drury's Irish Chancery Reports *tempore* Napier.
- Dr. R. t. Sug.* Drury's Irish Chancery Reports *tempore* Sugden.
- Dr. & Sm.* Drewry & Smale's English Vice Chancellors' Reports.
- Dr. & Wal.* Drury & Walsh's Irish Chancery Reports.
- Dr. & War.* Drury & Warren's Irish Chancery Reports.
- Drake Att.* or *Drake Attachm.* Drake on Attachments.
- Draper.* Draper's Upper Canada King's Bench Reports, Ontario.
- Drew.* Drewry's English Vice Chancellors' Reports;—Drew's Reports, vol. 13 Florida.
- Drew. Inj.* Drewry on Injunctions.
- Drew. & S.* or *Drew. & Sm.* or *Drewry & Sm.* Drewry & Smale's Reports, English Chancery.
- Drewry.* Drewry's Reports, English Chancery.
- Drewry T. M.* Drewry on Trademarks.
- Drink.* or *Drinkw.* Drinkwater's English Common Pleas Reports.
- Drone Copy.* Drone on Copyrights.
- Dr. or Drury.* Drury's Irish Chancery Reports *tempore* Sugden.
- Dr. t. Nap.* Drury's Irish Chancery Reports *tempore* Napier.
- Drury t. Sug.* Drury's Irish Chancery Reports *tempore* Sugden.
- Dr. & Wal.* Drury & Walsh's Irish Chancery Reports.
- Dr. & War.* Drury & Warren's Reports, Irish Chancery.
- Du C.* or *Du Cange.* Du Cange's Glossarium.
- Duane Road L.* Duane on Road Laws.
- Dub.* Dubitatur. Dubitante.
- Dub. Rev.* Dublin Review, Dublin, Ireland.
- Dud.* or *Dud. Ga.* Dudley's Reports, Georgia.
- Dud. Ch.* or *Dud. Eq. (S. C.).* Dudley's Equity Reports, South Carolina.
- Dud. L.* or *Dud. S. C.* Dudley's Law Reports, South Carolina.
- Duer.* Duer's Reports, New York Superior Court, vols. 8-13.
- Duer Const.* Duer's Constitutional Jurisprudence.
- Duer Ins.* Duer on Insurance.
- Duer Mar. Ins.* Duer on Marine Insurance.
- Duer Repr.* Duer on Representation.
- Dufresne.* Dufresne's [Law] Glossary.
- Dugd. Orig.* Dugdale's Originales Juridicales.
- Dugd. Sum.* Dugdale's Summons.
- Duke or Duke Uses.* Duke on Charitable Uses.
- Dun.* Duncan (see Dunc.);—Dunlap (see Dunl.).
- Dun. & Cum.* Dunphy & Cummins's Remarkable Trials.
- Dunc. Ent. Cas.* Duncan's Scotch Entail Cases.
- Dunc. N. P.* Duncombe's Nisi Prius.
- Duncan's Man.* Duncan's Manual of Entail Procedure.
- Dunpl. Med. Dict.* Dunglison, Dictionary of Medical Science and Literature.
- Dunl.* Dunlop, Bell, & Murray's Reports, Scotch Court of Session (Second Series, 1838-62).
- Dunl. Abr.* Dunlap's Abridgment of Coke's Reports.
- Dunl. Adm. Pr.* Dunlop's Admiralty Practice.
- Dunl. B. & M.* Dunlop, Bell, & Murray's Reports, Scotch Court of Session (Second Series, 1838-62).
- Dunl. F.* Dunlop's Forms.
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- Dunl. Pr.* Dunlop's Practice.
- Dunlop or Dunl. B. & M.* Dunlop, Bell & Murray's Reports, Second Series, Scotch Session Cases.
- Dunn.* Dunning's English King's Bench Reports.
- Duponc. Const.* Duponceau on the Constitution.
- Duponc. Jur.* Duponceau on Jurisdiction.
- Dur. Dr. Fr.* Duranton's Droit Français.
- Durf. (R. I.).* Durfee's Reports, vol. 2 Rhode Island.
- Durie or Durie Sc.* Durie's Scottish Court of Session Cases.
- Durn. & E.* or *Durnf. & E.* Durnford & East's English King's Bench Reports (Term Reports).
- Dutch.* Dutcher's Reports, New Jersey Law.
- Duv.* Duval's Kentucky Reports;—Duval's Reports, Canada Supreme Court.
- Duv. (Can.).* Duval's Canada Supreme Court Reports.
- Duval.* Duval's Reports, Canada Supreme Court.
- Dwar.* Dwarrior on Statutes.
- Dwar. St.* Dwarrior on Statutes.
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- Dy. or Dyer.* Dyer's English King's Bench Reports.
- E. Easter Term.* King Edward;—East's Reports, English King's Bench.
- E. B.* Ecclesiastical Compensations or "Bots."
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- E. E. R.* English Ecclesiastical Reports.
E. I. Ecclesiastical Institutes.
E. I. C. East India Company.
E. L. & Eq. English Law and Equity Reports.
E. of Cov. Earl of Coventry's Case.
E. P. C. East's Pleas of the Crown.
E. R. East's King's Bench Reports;—Election Reports.
E. R. C. English Ruling Cases.
E. T. Easter Term.
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E. & A. W. C. Grant's Error and Appeal Reports, Ontario.
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E. & E. Ellis & Ellis's Reports, English Queen's Bench.
E. & I. English and Irish Appeals, House of Lords.
E. & Y. Eagle & Younge's English Tithe Cases.
Ea. East's English King's Bench Reports.
Eag. T. Eagle's Commutation of Tithes.
Eag. & Yo. Eagle & Younge's English Tithe Cases.
East. East's King's Bench Reports;—East's Notes of Cases in Morley's Indian Digest;—Eastern Reporter.
East N. of C. East's Notes of Cases (in Morley's East Indian Digest).
East, P. C. or East, Pl. Cr. East's Pleas of the Crown.
East. Rep. Eastern Reporter.
East's N. of C. East's Notes of Cases, India.
Ebersole. Ebersole's Reports, vols. 59-80 Iowa.
Ec. & Ad. Spink's Ecclesiastical and Admiralty Reports.
Ecol. Ecclesiastical.
Ecol. Law. Ecclesiastical Law.
Ecol. R. or Ecol. Rep. English Ecclesiastical Reports.
Ecol. Stat. Ecclesiastical Statutes.
Ecol. & Ad. Ecclesiastical and Admiralty;—Spink's Ecclesiastical and Admiralty Reports.
Ed. Edition. Edited. King Edward;—Eden's English Chancery Reports.
Ed. Bro. Eden's edition of Brown's English Chancery Reports.
Ed. Cr. Edwards's New York Chancery Reports.
Ed. et Ord. Edits et Ordonnances (Lower Canada).
Eden. Eden's Reports, High Court of Chancery, England.
Eden B. L. or Eden, Bankr. Eden's Bankrupt Law.
Eden Inf. Eden on Injunctions.
Eden Pen. L. Eden's Penal Law.
Edg. Edgar's Reports, Scotch Court of Session.
Edg. C. Canons enacted under King Edgar.
Edict. Edicts of Justinian.
Edin. L. J. or Edinb. L. J. Edinburgh Law Journal.
Edm. Exch. Pr. Edmund's Exchequer Practice.
Edm. Sel. Cas. Edmonds's Select Cases, New York.
Edw. Edwards's New York Chancery Reports;—Edwards's English Admiralty Reports;—Edwards's Reports, vols. 2, 3 Missouri;—King Edward; thus 1 Edw. I. signifies the first year of the reign of King Edward I.
Edw. Abr. Edwards's Abridgment of Cases in Privy Council;—Edwards's Abridgment of Prerogative Court Cases.
Edw. Adm. Edwards's Admiralty Reports, English.
Edw. Bail. Edwards on Bailments.
Edw. Bill. Edwards on Bills.
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Edw. Jur. Edwards's Jurymen's Guide.
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Edw. (Mo.). Edwards's Reports, Missouri.
Edw. Part. Edwards on Parties to Bills in Chancery.
Edw. Pr. Cas. Edwards's Prize Cases (English Admiralty Reports).
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Edw. Rec. Edwards on Receivers in Chancery.
Edw. St. Act. Edwards on the Stamp Act.
Edw. (Tho.). Edwards's English Admiralty Reports.
Efrd. Efrd's Reports, vols. 45-61 South Carolina.
Eir. Lambert's Eirenarcha.
El. Queen Elizabeth;—Elchies's Decisions, Scotch Court of Session.
El. B. & E. Ellis, Blackburn, & Ellis's Reports, English Queen's Bench.
El. B. & S. Ellis, Best, & Smith's Reports, English Queen's Bench.
El. Cas. Election Cases.
El. Dict. Elchies's Dictionary of Decisions, Court of Session, Scotland.
El. & B. or El. & Bl. Ellis & Blackburn's Reports, English Queen's Bench.
El. & El. Ellis & Ellis's Reports, English Queen's Bench.
Elchie. or Elchies's Dict. Elchies's Dictionary of Decisions, Scotch Court of Session.
Elec. Cas. N. Y. New York Election Cases (Armstrong's).
Eliz. Queen Elizabeth.
Ell. Bl. & Ell. Ellis, Blackburn, & Ellis's English Queen's Bench Reports.
Ell. Deb. Ellis's Debates.
Ell. Dig. Minn. Eller's Digest, Minnesota Reports.
Ell. D. & Cr. Ellis on Debtor and Creditor.
Ell. Ins. Ellis on Insurance.
Ell. & Bl. Ellis & Blackburn's English Queen's Bench Reports.
Ell. & Ell. Ellis & Ellis's English Queen's Bench Reports.
Ellesm. Post N. Ellesmere's Post Nati.
Elliot, App. Proc. Elliott's Appellate Procedure.
Elm. Dig. Elmer's Digest, New Jersey.
Elm. Dilap. Elmes on Ecclesiastical and Civil Dilapidation.
Elmer, Lun. Elmer's Practice in Lunacy.
Elis. W. Bl. Elsley's Edition of Wm. Blackstone's English King's Bench Reports.
Elsyn. Parl. Elsyng on Parliaments.
Elt. Ten. of Kent. Elton's Tenures of Kent.
Elton, Com. Elton on Commons and Waste Lands.
Elton, Copyh. Elton on Copyholds.
Elw. Med. Jur. Elwell's Medical Jurisprudence.
Emer. Ins. Emerigon on Insurance.
Emer. Mar. Loans or Emerig. Mar. Loans. Emerigon on Maritime Loans.
Emerig. Tr. des Ass. or Emerig. Traite des Assur. Emerigon, Traite des Assurances.
Enc. Encyclopædia.
Enc. Brit. Encyclopædia Britannica.
Enc. Forms. Encyclopædia of Forms.
Enc. Pl. & Pr. or Encyc. Pl. & Pr. Encyclopædia of Pleading and Practice.
Ency. Law. American and English Encyclopædia of Law.
Encyc. Encyclopædia.
Encyc. Pl. & Pr. Encyclopædia of Pleading & Practice.
Encycl. Encyclopædia.
Eng. English;—English's Reports, vols. 6-13 Arkansas;—English Reports by N. C. Moak.
Eng. Ad. English Admiralty;—English Admiralty Reports.
Eng. Adm. R. English Admiralty Reports.
Eng. C. C., or Eng. Cr. Cas. English Crown Cases (American reprint).
Eng. Ch. English Chancery;—English Chancery Reports;—Condensed English Chancery Reports.
Eng. C. L. or Eng. Com. L. R. English Common-Law Reports.
Eng. Ecc. R. English Ecclesiastical Reports.
Eng. Ecol. English Ecclesiastical Reports.
Eng. Exch. English Exchequer Reports.
Eng. Ir. App. English Law Reports, English and Irish Appeal Cases.
Eng. Jud. or Eng. Judg. Scotch Court of Session Cases, decided by the English Judges.
Eng. L. & Eq. or Eng. L. & Eq. R. English Law and Equity Reports.
Eng. Plead. English Pleader.
Eng. R. & C. Cas. English Railroad and Canal Cases.

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Eng. Rep. Moak's English Reports;—English's Reports, vols. 6-13 Arkansas;—English Reports.
Eng. Rep. R. English Reports, Full Reprint.
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Eng. Ry. & C. Cas. English Railway and Canal Cases.
Eng. Sc. Ecc. English and Scotch Ecclesiastical Reports.
Eng. & Ir. App. Law Reports, English and Irish Appeal Cases.
English. English's Reports, vols. 6-13 Arkansas.
Ent. Coke's Entries;—Rastell's Entries.
Entries, Ancient. Rastell's Entries (cited in Rolle's Abridgment).
Entries, New Book of. Sometimes refers to Rastell's Entries, and sometimes to Coke's Entries.
Entries, Old Book of. *Liber Intrationum*.
Eod. Eodem.
Eq. Equity.
Eq. Ab. or Eq. Ca. Abr. Equity Cases Abridged.
Eq. Cas. Equity Cases, vol. 9, Modern Reports.
Eq. Cas. Abr. Equity Cases Abridged (English).
Eq. Draft. Equity Draftsman (Hughes's).
Eq. Judg. Equity Judgments (by A'Beckett) New South Wales.
Eq. Rep. Equity Reports;—Gilbert's Equity Reports;—Harper's South Carolina Equity Reports;—Equity Reports, English Chancery and Appeals from Colonial Courts, printed by Spottiswoode.
Err. & App. Error and Appeals Reports, Upper Canada.
Ersk. Erskine's Institutes of the Law of Scotland;—Erskine's Principles of the Law of Scotland.
Ersk. Dec. Erskine's United States Circuit Court, etc., Decisions, in vol. 35 Georgia.
Ersk. Inst. Erskine's Institutes of the Law of Scotland.
Erskine, Inst. Erskine's Institutes of the Law of Scotland.
Ersk. Prin. Erskine's Principles of the Law of Scotland.
Escrive or Escriche, Dic. Leg. Escriche, Dictionario Razonado de Legislacion y Jurisprudencia.
Esp. or Esp. N. P. Espinasse's English Nisi Prius Reports.
Esp. Ev. Espinasse on Evidence.
Esp. N. P. Espinasse's Nisi Prius Law.
Esp. Pen. Ev. Espinasse on Penal Evidence.
Esprit des Loix. Montesquieu, *Esprit des Loix*.
Esq. Esquire.
Et al. Et alii, and others.
Eth. Nic. Aristotle, Nicomachean Ethics.
Euer. Euer's Doctrina Placitandi.
Eunom. Wynne's Eunomus.
Europ. Arb. European Arbitration, Lord Westbury's Decisions.
Ev. Evidence.
Ev. Tr. Evans's Trial.
Evans. Evans's Reports, Washington Territory.
Evans Ag. Evans on Agency.
Evans Pl. Evans on Pleading.
Evans Pothier. Evans's Pothier on Obligations.
Evans R. L. Evans's Road Laws of South Carolina.
Evans Stat. Evans's Collection of Statutes.
Evans Tr. Evans's Trial.
Ewell Fiat. Ewell on Fixtures.
Ewell Lead. Cas. Ewell's Leading Cases on Infancy, etc.
Ewell's Evans Ag. Ewell's Evans on Agency.
Ev. & H. Dig. (Minn.). Ewell and Hamilton's Digest, Minnesota Reports.
Ex. Exchequer Reports, English.
Ex. or Exr. Executor.
Ex. C. R. Exchequer Court of Canada Reports.
Ex. Com. Extravagantes Communes.
Ex. D. or Ex. Div. Exchequer Division, English Law Reports.
Exam. The Examiner.
Exch. Exchequer;—Exchequer Reports (Welsby, Hurlstone, & Gordon);—English Law Reports, Exchequer;—English Exchequer Reports.
Exch. Can. Exchequer Reports, Canada.
Exch. Cas. Exchequer Cases (Legacy Duties, etc.), Scotland.
Exch. Chamb. Exchequer Chamber.
Exch. Div. Exchequer Division, English Law Reports.
Exch. Rep. Exchequer Reports.
Exec. Execution. Executor.
Exp. Ex parte. Expired.
Expl. Explained.
Ex rel. Ex relatione.
Ext. Extended.
Exton Mar. Dicael. Exton's Maritime Dicaelogue.
Eyre. Eyre's Reports, English King's Bench, temp. William III.
F. Federal Reporter;—Fitzherbert's Abridgment;—Finals;—Consuetudines Feudorum;—Fitzherbert's Abridgment.
F. Abr. Fitzherbert's Abridgment is commonly referred to by the other law writers by the title and number of the placita only, e. g. "coron, 30."
F. B. C. Fonblanque's Bankruptcy Cases.
F. B. R. Full Bench Rulings, Bengal.
F. B. R. N. W. P. Full Bench Rulings, Northwest Provinces, India.
F. C. Faculty of Advocates Collection, Scotch Court of Session Cases;—Federal Cases.
F. C. R. Fearne on Contingent Remainders.
F. Dict. Kames and Woodhouselee's Dictionary, Scotch Court of Session Cases.
F. N. B. Fitzherbert's *Natura Brevium*.
F. R. Forum Romanorum;—Federal Reporter.
F. & F. Foster and Finlason's Reports, English Nisi Prius.
F. & Fitz. Falconer and Fitzherbert's English Election Cases.
F. & J. Bank. De Gez. Fisher & Jones' English Bankruptcy Reports.
F. & S. Fox and Smith's Reports, Irish King's Bench.
F. & W. Pr. Freud and Ward's Precedents.
Fac. Col. Faculty of Advocates Collection, Scotch Court of Session Cases.
Fairf. or Fairfield. Fairfield's Reports, vols. 10-12 Maine.
Falc. Falconer's Reports, Scotch Court of Session.
Falc. & Fitz. Falconer and Fitzherbert's English Election Cases.
Fam. Cas. Cir. Ev. Famous Cases of Circumstantial Evidence, by Phillips.
Far. Farresley's Reports, English King's Bench, Modern Reports, vol. 7.
Far. or Farr. Farresley (see Farresley).
Farr Med. Jur. Farr's Elements of Medical Jurisprudence.
Farresley. Farresley's Reports, vol. 7 Modern Reports;—Farresley's Cases in Holt's King's Bench Reports.
Farw. Pow. Farwell on Powers.
Faw. L. & T. Fawcett's Landlord and Tenant.
Fearnc Rem. Fearne on Contingent Remainders.
Fed. The Federalist;—Federal Reporter.
Fed. Ca. or Fed. Cas. Federal Cases.
Fed. Cas. No. Federal Case Number.
Fed. R. or Fed. Rep. The Federal Reporter, all U. S. C. C. & D. C. and C. C. A. Cases, St. Paul, Minn. District, Circuit and Circuit Court of Appeals Reports.
Fell Guar. Fell on Mercantile Guarantees.
Fent. (New Zealand). Fenton's New Zealand Reports.
Fent. Imp. Judg. Fenton's Important Judgments, New Zealand.
Fent. N. Z. Fenton's New Zealand Reports.
Fer. Fiat. or Ferard, Fiat. Amos and Ferard on Fixtures.
Ferg. or Ferg. Cons. Fergusson's Reports, Scotch Consistorial Court.
Ferg. M. & D. Fergusson on Marriage and Divorce.
Ferg. Proc. Ferguson's Common Law Procedure Acts, Ireland.
Ferg. Ry. Cas. Ferguson's Five Years' Railway Cases.
Fergusson. (Fergusson of) Kilgerran's Scotch Session Cases.

- Fern. Dec.* Decretos del Fernando, Mexico.
Ferr. Hist. Civ. L. Ferriere's History of the Civil Law.
Ferr. Mod. Ferriere's Dictionnaire de Droit et de Pratique.
Ferriere. Ferriere's Dictionnaire de Droit et de Pratique.
Fess. Pat. or Fessen, Pat. Fessenden on Patents.
Feud. Lib. The Book of Feuds. See this dictionary, s. v. "Liber Feudorum."
Ff. Pandectæ (Juris Civilis);—Pandects of Justinian.
Fl. fa. Fieri facias.
Field Com. Law. Field on the Common Law of England.
Field Corp. Field on Corporations.
Field Ev. Field's Law of Evidence, India.
Field Int. Code. Field's International Code.
Field Pen. L. Field's Penal Law.
Fil. Filler's Writs.
Fin. Finch's English Chancery Reports;—Finlason (see Finl.).
Fin. Law. Finch's Law.
Fin. Pr. Finch's Precedents in Chancery.
Fin. Ren. Finlay on Renewals.
Finch. English Chancery Reports *tempore* Finch.
Finch Cas. Cont. Finch's Cases on Contract.
Finch Ins. Dig. Finch's Insurance Digest.
Finch L. C. Finch's Land Cases.
Finl. Dig. Finlason's Digest and Cases, Ireland.
Finl. L. C. Finlason's Leading Cases on Pleading, etc.
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Fish. Cas. Fisher's Cases, United States District Courts.
Fish. Cop. Fisher on Copyrights.
Fish. Dig. Fisher's Digest, English Reports.
Fish. Mort. or Fish. Mortg. Fisher on Mortgages.
Fish. Pat. or Fish. Pat. Cas. Fisher's United States Patent Cases.
Fish. Pat. Rep. Fisher's Patent Reports, U. S. Supreme and Circuit Courts.
Fish. Pr. Cas. or Fish. Prize. Fisher's Prize Cases, U. S. Courts, Penna.
Fitz. or Fitz. Abr. Fitzherbert's Abridgment (see F. & Fitz.).
Fitz. N. B. Fitzherbert's *Natura Brevium*.
Fitzg. Fitzgibbon's English King's Bench Reports.
Fitzh. Abr. Fitzherbert's Abridgment.
Fitzh. N. B. or Fitzh. Nat. Brev. Fitzherbert's *New Natura Brevium*.
Fl. Fleta;—Flanders (see Fland.);—*Commentarius Juris Anglicani*.
Fl. & K. or Fl. & Kel. Flanagan & Kelly's Irish Rolls Court Reports.
Fla. Florida;—Florida Reports.
Flan. & K. or Flan. & Kel. Flanagan and Kelly's Reports, Irish Rolls Court.
Fland. Ch. J. Flanders's Lives of the Chief Justices.
Fland. Const. Flanders on the Constitution.
Fland. Fire Ins. Flanders on Fire Insurance.
Fland. Mar. L. Flanders on Maritime Law.
Fland. Ship. Flanders on Shipping.
Fleta. Fleta, *Commentarius Juris Anglicani*.
Flip. or Flipp. Flippin's United States Circuit Court Reports.
Flor. Florida;—Florida Reports.
Foelix Dr. Int. Foelix's *Droit International Privé*.
Fogg. Fogg's Reports, vols. 32-37 New Hampshire.
Fol. Folio;—Foley's Poor Laws and Decisions, English.
Fol. Dict. Kames and Woodhouslee's Dictionary, Scotch Court of Session Cases.
Foley Poor L. Foley's Poor Laws and Decisions, English.
Folw. Laws. Folwell's Laws of the United States.
Fonb. Eq. Fonblanque's Equity.
Fonb. Med. Jur. Fonblanque on Medical Jurisprudence.
Fonb. N. R. Fonblanque's New Reports, English Bankruptcy.
Fonbl. Fonblanque's Equity;—Fonblanque on Medical Jurisprudence;—Fonblanque's New Reports, English Bankruptcy.
Fonbl. Eq. Fonblanque's Equity.
Fonbl. R. Fonblanque's English Cases (or New Reports) in Bankruptcy.
Foot. Int. Jur. Foote on Private International Jurisprudence.
For. Forrest's Exchequer Reports;—Forrester's Chancery Reports (Cases *tempore* Talbot).
For. Cas. & Op. Forsyth's Cases and Opinions.
For. de Laud. Fortescue's de *Laudibus Legum Angliæ*.
For. Pla. Brown's *Formulæ Placitandi*.
Foran C. C. P. Q. Foran's Code of Civil Procedure, Quebec.
Forb. Forbes's Decisions, Scotch Court of Session.
Forb. Inst. Forbes's Institutes of the Law of Scotland.
Form. Forman's Reports, Illinois.
Forman. Forman's Reports, Illinois.
Form. Pla. Brown's *Formulæ Placitandi*.
Forr. or Forrest. Forrest's English Exchequer Reports;—Forrester's English Chancery Cases (commonly cited, Cases *tempore* Talbot).
For. Cas. & Op. or Fors. Cas. & Op. Forsyth's Cases and Opinions on Constitutional Law.
Fors. Comp. Forsyth's Composition with Creditors.
Fors. His. Forsyth's History of Trial by Jury.
Fors. Trial by Jury. Forsyth's History of Trial by Jury.
Fort. or Fortes. Fortescue's English King's Bench Reports.
Fortes. de Laud. Fortescue's de *Laudibus Legum Angliæ*.
Forum. The Forum, by David Paul Brown;—Forum (periodical). Baltimore and New York.
Forum L. R. Forum Law Review, Baltimore.
Foss, Judg. Foss's Judges of England.
Fost. Foster's English Crown Law or Crown Cases;—Foster's New Hampshire Reports, vols. 19, and 21-31;—Foster's Legal Chronicle Reports, Pennsylvania;—Foster's Reports, vols. 5, 6 and 8 Hawaii.
Fost. (N. H.). Foster's Reports, New Hampshire, vols. 19 and 21-31.
Fost. Cr. Law. Foster, Crown Law.
Fost. Elcm. or Fost. Jur. Foster's Elements of Jurisprudence.
Fost. S. F. or Fost. on Sci. Fa. Foster on the Writ of *Scire Facias*.
Fost. & Fin. Foster and Finlason's Reports, English Nisi Prius Cases.
Foster. Foster's English Crown Law;—Legal Chronicle Reports (Pennsylvania), edited by Foster;—Foster's New Hampshire Reports.
Fount. Fountainhall's Reports, Scotch Court of Session.
Fowl. L. Cas. Fowler's Leading Cases on Collieries.
Fox. Fox's Decisions, Circuit and District Court, Maine (Haskell's Reports);—Fox's Reports, English.
Fox Reg. Ca. or Fox Reg. Cas. Fox's Registration Cases.
Fox & Sm. Fox & Smith's Reports, Irish King's Bench.
Fr. Fragment, or Excerpt, or Laws in Titles of Pandects;—Freeman's English King's Bench and Chancery Reports;—Fragment.
Fr. Ch. Freeman's English Chancery Reports; Freeman's Mississippi Chancery Reports.
Fr. E. C. Fraser's Election Cases.
Fr. Ord. French Ordinances.
Fra. Max. Francis's Maxims of Equity.
Fran. Char. Francis's Law of Charities.
Fran. Max. Francis's Maxims of Equity.
Franc. or Franc. Judg. Francillon's Judgments, County Courts.
France. France's Reports, vols. 3-11 Colorado.
Fras. Dom. Rel. Fraser on Personal and Domestic Relations.

Fras. El. Cas. or Fras. Elec. Cas. or Fraser. Fraser's English Cases of Controverted Elections.

Fraz. or Fraz. Adm. Frazer's Admiralty Cases, Scotland.

Fred. Code. Frederician Code, Prussia.

Free. Freeman's English King's Bench Reports, vol. 1 Freeman's King's Bench Reports and vol. 2 Freeman's Chancery Reports. See also *Freem.*

Free. Ch. Freeman's English Chancery Reports;—Freeman's Mississippi Chancery Reports.

Freem. (Ill.). Freeman's Reports, Illinois.

Freem. C. C. or Freem. Ch. Freeman's Reports, English Chancery. (2d Freeman.)

Freem. Compar. Politics. Freeman, Comparative Politics.

Freem. Coten. & Par. Freeman on Cotenancy and Partition.

Freem. Ex. Freeman on Executions.

Freem. (Ill.). Freeman's Reports, Illinois.

Freem. Judg. Freeman on Judgments.

Freem. K. B. Freeman's Reports, English King's Bench. (1st Freeman.)

Freem. (Miss.). Freeman's Chancery Reports, Mississippi.

French. French's Reports, New Hampshire.

Fries Tr. Trial of John Fries (Treason).

Frith. Opinions Attorneys-General, pt. 2, vol. 21.

Fry Cont. Fry on the Specific Performance of Contracts.

Full B. R. Full Bench Rulings, Bengal (or North-west Provinces).

Fuller. Fuller's Reports, vols. 59-105 Michigan.

Fult. or Fulton. Fulton's Reports, Bengal.

G. Gale's Reports, English Exchequer;—King George; thus 1 G. I. signifies the first year of the reign of King George I.

G. B. Great Britain.

G. Coop. or Cooper. G. Cooper's English Chancery.

G. Gr. George Greene's Reports, Iowa.

G. M. Dudl. G. M. Dudley's Reports, Georgia.

G. O. General Orders, Court of Chancery, Ontario.

G. S. General Statutes.

G. & D. Gale & Davison's Reports, English Exchequer;—Gale & Davison's English Queen's Bench Reports.

G. & G. Goldsmith & Guthrie, Missouri.

G. & J. Gill & Johnson's Maryland Reports;—Glyn & Jameson's English Bankruptcy Reports.

G. & T. Gould & Tucker's Notes on Revised Statutes of United States.

Ga. Georgia;—Georgia Reports.

Ga. Dec. Georgia Decisions, Superior Courts.

Ga. L. J. Georgia Law Journal.

Ga. L. Rep. Georgia Law Reporter.

Ga. Supp. Lester's Supplement, vol. 33 Georgia.

Gab. Cr. L. Gabbett's Criminal Law.

Gail. Gail Institutionum Commentarii.

Gaius. Gaius's Institutes.

Gal. Gallison's Reports, United States Circuit Courts.

Galb. Galbraith's Reports, Florida Reports, vols. 9-12.

Galb. & M. Galbraith & Meek's Reports, Florida Reports, vol. 12.

Galbraith. Galbraith's Reports, vols. 9-12 Florida.

Gale. Gale's Reports, English Exchequer.

Gale E. or Gale, Easem. Gale on Easements.

Gale Stat. Gale's Statutes of Illinois.

Gale & Dav. Gale & Davison's Queen's Bench Reports.

Gale & W. Gale and Whatley on Easements.

Gall. or Gallis. Gallison's Reports, United States Circuit Courts.

Gall. Cr. Cas. Gallick's Reports of French Criminal Cases.

Gall. Hist. Col. Gallick's Historical Collection of French Criminal Cases.

Gall. Int. L. Gallaudet on International Law.

Gamb. & Barl. Gamble & Barlow's Digest, Irish.

Gantt Dig. Gantt's Digest Statutes, Arkansas.

Gard. N. Y. Rept. Gardenier's New York Reporter.

Garden. or Gardenhire. Gardenhire's Reports, Missouri.

Gardn. P. C. or Gardn. P. Cas. Gardner Peerage Case, reported by Le Marchant.

Gaspar. Gaspar's Small Cause Court Reports, Bengal.

Gay. (La.). Gayarré's Louisiana Reports.

Gayarré. Gayarré's Reports, vols. 25-23 Louisiana Annual.

Gaz. B. or Gaz. Bank. Gazette of Bankruptcy, London.

Gaz. Dig. Gazzam's Digest of Bankruptcy Decisions.

Gaz. & B. C. Rep. or Gaz. & Bank. Ct. Rep. Gazette & Bankrupt Court Reporter, New York.

Gazz. Bank. Gazzam on Bankruptcy.

Geld. & M. Geldart & Maddock's English Chancery Reports, vol. 6 Maddock's Reports.

Geld. & O. or Geld. & Oz. (Nova Scotia). Geldert and Oxley's Decisions, Nova Scotia.

Geld. & R. Geldert & Russell, Nova Scotia.

Geldart. Geldart & Maddock's English Chancery Reports, vol. 6 Maddock's Reports.

Gen. Arb. Geneva Arbitration.

Gen. Abr. Cas. Eq. General Abridgment of Cases in Equity (Equity Cases Abridged).

Gen. Dig. General Digest American and English Reports.

Gen. Laws. General Laws.

Gen. Ord. General Orders, Ontario Court of Chancery.

Gen. Ord. Ch. or Gen. Ord. in Ch. General Orders of the English High Court of Chancery.

Gen. Sess. General Sessions.

Gen. St. General Statutes.

Gen. Term. General Term.

Geo. Georgia;—Georgia Reports;—King George (as 13 Geo. II.).

Geo. Coop. George Cooper's English Chancery Cases, temp. Eldon.

Geo. Dec. Georgia Decisions.

Geo. Dig. George's Mississippi Digest.

Geo. Dig. George's Digest, Mississippi.

Geo. Lib. George on Libel.

George. George's Reports, Mississippi.

Ger. Real Est. Gerard on Titles to Real Estate.

Gib. Cod. Gibson's *Codex Juris Ecclesiastici Anglicani*.

Gib. Dec. Gibson's Scottish Decisions.

Gibb. D. & N. Gibbons on Dilapidations and Nuisances.

Gibbon, Rom. Emp. Gibbon, History of the Decline and Fall of the Roman Empire.

Gibbs. Gibbs's Reports, Michigan.

Gibbs Jud. Chr. Gibbs's Judicial Chronicle.

Gibs. Gibson's Decisions, Scotland.

Gibs. Camd. Gibson's [edition of] Camden's Britannia.

Gibson. (Gibson of) Durie's Decisions, Scotch Court of Session.

Gif. or Giff. Giffard's English Vice-Chancellors's Reports.

Gif. & Fal. Gilmour & Falconer's Scotch Session Cases.

Giff. Giffard's Reports, English Chancery.

Giff. & H. Giffard and Hemming's Reports, English Chancery.

Gil. Gilfillan's Edition, vols. 1-20 Minnesota;—Gilman's Reports, vols. 6-10 Illinois;—Gilmer's Virginia Reports;—Gilbert's English Chancery Reports;—Gilbert's English Cases in Law and Equity.

Gilb. Gilbert's Reports, English Chancery.

Gilb. Cas. Gilbert's Cases in Law and Equity, English Chancery and Exchequer.

Gilb. Ch. Gilbert's Reports, English Chancery.

Gilb. Ch. Pr. Gilbert's Chancery Practice.

Gilb. C. P. Gilbert's Common Pleas.

Gilb. Com. Pl. Gilbert's Common Pleas.

Gilb. Dev. Gilbert on Devices.

Gilb. Dist. Gilbert on Distress.

Gilb. Eq. Gilbert's English Equity or Chancery Reports.

Gilb. Ev. Gilbert's Evidence.

Gilb. Ex. Gilbert on Executions.

Gilb. Exch. Gilbert's Exchequer.

Gilb. For. Rom. Gilbert's Forum Romanum.

Gilb. K. B. Gilbert's King's Bench.

Gilb. Lex Præ. Gilbert's Lex Prætoria.

Gilb. Railw. L. Gilbert's Railway Law.

Gilb. Rem. Gilbert on Remainders.

- Gilb. Rents.* Gilbert on Rents.
Gilb. Rep. Gilbert's Reports, English Chancery.
Gilb. Repl. Gilbert on Replevin.
Gilb. Ten. Gilbert on Tenures.
Gilb. U. or Gilb. Uses. Gilbert on Uses and Trusts.
Gild. (N. M.). Gildersleeve's New Mexico Reports.
Gillilan. Gillilan's Edition of Minnesota Reports.
Gill. Gill's Reports, Maryland.
Gill Pol. Rep. Gill's Police Court Reports, Boston, Mass.
Gill & J. or Gill & Johns. (Md.). Gill & Johnson's Reports, Maryland.
Gilm. Gilman's Reports, vols. 6-10 Illinois;—Gilmer's Reports, Virginia;—Gilmour's Reports, Scotch Court of Session.
Gilm. Dig. Gilman's Digest, Illinois and Indiana.
Gilm. (Ill.). Gilman's Reports, Illinois.
Gilm. (Va.). Gilmer's Reports, Virginia.
Gilm. & Fal. or Gilm. & Falc. Gilmour and Falconer's Reports, Scotch Court of Session.
Gilp. Gilpin's United States District Court Reports.
Gilp. Opin. Gilpin's Opinions of the United States Attorneys-General.
Gir. W. C. Girard Will Case.
Gl. Glossa; a gloss or interpretation.
Gl. & J. Glyn & Jameson's English Bankruptcy Reports.
Glan. lib. Glanville, De Legibus et Consuetudinibus Angliæ.
Glanv. or Glanvil. Glanville, De Legibus et Consuetudinibus Angliæ.
Glanv. El. Ca. or Glanv. El. Cas. Glanville's Election Cases.
Glas. or Glasc. Glascock's Reports in all the Courts of Ireland.
Glassf. Glassford on Evidence.
Glenn. Glenn's Reports, Louisiana Annual.
Glov. Mun. Corp. Glover on Municipal Corporations.
Glyn & Jam. Glyn and Jameson's Bankruptcy Cases, English.
Go. Goebel's Probate Court Cases.
Godb. Godbolt's Reports, English King's Bench.
Godd. Eas. Goddard on Easements.
Godef. & S. Godefroi and Shortt on Law of Railway Companies.
Godol. Godolphin's Abridgment of Ecclesiastical Law;—Godolphin on Admiralty Jurisdiction;—Godolphin's Orphan's Legacy;—Godolphin's Repertorium Canonicum.
Godol. Ecc. Law or Godolph. Godolphin's Abridgment of Ecclesiastical Law.
Godolph. Adm. Jur. Godolphin on Admiralty Jurisdiction.
Godolph. Leg. Godolphin's Orphan's Legacy.
Godolph. Rep. Can. Godolphin's Repertorium Canonicum.
Gods. Pat. Godson on Patents.
Goeb. or Goeb. Prob. Ct. Cas. Goebel's Probate Court Cases.
Gog. Or. Goguet's Origin of Laws.
Goirand. Goirand's French Code of Commerce.
Gold. or Goldes. Goldesborough's or Gouldsborough's English King's Bench Reports.
Gold. & G. Goldsmith & Guthrie's Reports, vols. 36-67 Missouri Appeals.
Goldes. Goldesborough's Reports, English King's Bench.
Golds. Eq. Goldsmith's Equity Practice.
Good. Pat. Goodeve's Abstract of Patent Cases.
Good. & Wood. Full Bench Rulings, Bengal, edited by Goodeve & Woodman.
Gord. Dig. Gordon's Digest of the Laws of the U. S.
Gord. Tr. Gordon's Treason Trials.
Gordon. Gordon's Reports, vols. 24-26 Colorado and vols. 10-13 Colorado Appeals.
Gosf. Gosford's Manuscript Reports, Scotch Court of Session.
Goud. R. L. Goudsmit's Roman Law.
Gould. Gouldsborough's English King's Bench Reports.
Gould, Pl. Gould on Pleading.
Gould & T. Gould & Tucker's Notes on Revised Statutes of United States.
Gouldsb. Gouldsborough's Reports, English King's Bench.
Gour. Wash. Dig. Gourick's Washington Digest.
Gow or Gow N. P. Gow's Nisi Prius Cases, English.
Gow Part. Gow on Partnership.
Gr. Grant's Cases, Pennsylvania;—Green's New Jersey Reports;—Greenleaf's Maine Reports;—Grant's Cases, Canada;—Grant's Chancery Reports, Ontario.
Gr. Ca. or Gr. Cas. Grant's Cases, Pennsylvania.
Gr. Ch. or Gr. Eq. (H. W.) Green's New Jersey Equity Reports;—Gresley's Equity Evidence.
Gra. Grant (see Grant);—Graham's Reports, vols. 98-139 Georgia.
Grah. Pr. Graham's Practice.
Grah. & Wat. N. T. Graham & Waterman on New Trials.
Grain Hip. Grain's Ley Hipotecaria, of Spain.
Grand Cou. or Grand Cout. Grand Coutumier de Normandie.
Grang. or Granger. Granger's Reports, vols. 22-23 Ohio State.
Grant. Grant's Upper Canada Chancery Reports Ontario;—Grant's Pennsylvania Cases;—(Grant of) Elchies's Scotch Session Cases;—Grant's Jamaica Reports.
Grant Bank. Grant on Banking.
Grant Cas. Grant's Cases, Pennsylvania Supreme Court.
Grant Ch. Grant's Upper Canada Chancery Reports.
Grant Ch. Pr. Grant's Chancery Practice.
Grant Corp. Grant on Corporations.
Grant E. & A. Grant's Error and Appeal Reports, Ontario.
Grant (Jamaica). Grant's Jamaica Reports.
Grant Pa. Grant's Cases, Pennsylvania Supreme Court.
Grant U. C. Grant's Upper Canada Chancery Reports.
Grat. or Gratt. Grattan's Virginia Reports.
Grav. de Jur. Nat. Gent. Gravina, de Jure Naturale Gentium, etc.
Gravin. Gravina, Originum Juris Civilis.
Gray. Gray's Massachusetts Reports;—Gray's Reports, vols. 112-122 North Carolina.
Gray Cas. Prop. Gray's Cases on Property.
Gray Perp. Gray on Perpetuities.
Gray's Inn J. Gray's Inn Journal.
Grayd. F. Graydon's Forms.
Greav. R. C. or Greav. Russ. Greave's Edition of Russell on Crimes.
Green. Green's New Jersey Law or Equity Reports;—Green's Reports, vols. 11-17 Rhode Island;—G. Greene's Iowa Reports;—Greenleaf's Reports, vols. 1-9 Maine;—Green's Reports, vol. 1 Oklahoma.
Green Bag. A legal Journal, Boston.
Green C. E. C. E. Green's Reports, New Jersey Equity, vols. 16-27.
Green Ch. or Green Eq. Green's Chancery Reports, New Jersey Equity, vols. 2-4.
Green Cr. L. Rep. Green's Criminal Law Reports, U. S.
Green L. or Green N. J. Green's Law Reports, New Jersey Law, vols. 13-15.
Green. Ov. Cas. Greenleaf's Overruled Cases.
Green (R. I.). Green's Reports, Rhode Island, vol. 11.
Green Sc. Cr. Cas. Green's Criminal Cases, Scotland.
Green Sc. Tr. Green's Scottish Trials for Treason.
Green. & H. Greenwood & Horwood's Conveyancing.
Greene. G. Greene's Iowa Reports;—C. E. Green's New Jersey Equity Reports, vols. 16-27 New Jersey Equity;—Greene's Reports, vol. 7 New York Annotated Cases.
Greene G. Greene's Iowa Reports.
Greenh. Sh. Greenhow's Shipping Law Manual.
Greenl. Greenleaf's Reports, vols. 1-9 Maine.
Greenl. Cr. or Greenl. Cruise. Greenleaf's Cruise on Real Property.
Greenl. Ev. Greenleaf on Evidence.
Greenl. Ov. Cas. Greenleaf's Overruled Cases.

Green's Brice's U. V. or Green's Brice, Ultra Vires. Green's Edition of Brice's Ultra Vires.
Greenw. Courts. Greenwood on Courts.
Greenw. & M. Greenwood & Martin's Police Guide.
Grein. Dig. Greiner's Digest, Louisiana.
Gren. or Gren. (Ceylon). Grenier's Ceylon Reports.
Gresl. Eq. Ev. Gresley's Equity Evidence.
Grey Deb. Grey's Debates in Parliament.
Grif. L. Reg. Griffith's Law Register, Burlington, New Jersey.
Grif. P. R. Cas. Griffith's English Poor Rate Cases.
Griff. Cr. Griffith on Arrangements with Creditors.
Griff. Ct. Mar. Griffith on Courts-Martial.
Griff. Inst. Griffith's Institutes of Equity.
Griff. L. R. Griffith's Law Register, Burlington, N. J.
Griff. Pat. Cas. Griffin's Abstract of Patent Cases.
Griffith. Griffith's Reports, vols. 1-5 Indiana Appeals and vols. 117-132 Indiana.
Grimke Ex. Grimke on Executors and Administrators.
Grimke Just. Grimke's Justice.
Grimke P. L. Grimke's Public Laws of South Carolina.
Grisw. (O.) Griswold's Reports, Ohio.
Grisw. Und. T. B. Griswold's Fire Underwriters' Text Book.
Gro. or Gro. B. et P., or Gro. de J. B. or Grot. or Grot. de Jur. B. Grotius, *De Jure Belli et Pacis.*
Grot. Dr. de la Quer. Grotius *Le Droit de la Guerre.*
Gude Pr. Gude's Practice on the Crown Side of the King's Bench.
Guern. Eq. Jur. Guernsey's Key to Equity Jurisprudence.
Guizot, Hist. Civilization. Guizot, General History of Civilization in Europe.
Guizot, Rep. Govt. Guizot, History of Representative Government.
Gundry. Gundry Manuscripts in Lincoln's Inn Library.
Guth. Sh. Cas. Guthrie's Sheriff Court Cases, Scotland.
Guthrie. Guthrie's Reports, vols. 33-83 Missouri Appeals.
Guthrie. Guthrie's Sheriff Court Cases, Scotland.
Guy, Med. Jur. Guy on Medical Jurisprudence.
Guy Réper. Guy's Répertoire de la Jurisprudence.
Guyot, Inst. Feod. Guyot, Institutes Feodales.
Gwill. T. Cas. or Gwill. Gwillim's Tithe Cases.
H. Howard's United States Supreme Court Reports;—Hill's New York Reports;—Hilary Term;—King Henry; thus 1 H. I. signifies the first year of the reign of King Henry I.
h. a. Hoc anno.
H. Bl. or H. Bla. Henry Blackstone's English Common Pleas Reports.
H. C. House of Commons.
H. C. R. High Court Reports, India.
H. C. R. N. W. P. High Court Reports, Northwest Provinces, India.
H. E. C. Hodgkin's Election Cases, Ontario.
H. H. C. L. Hale's History of the Common Law.
H. H. P. C. Hale's History, Pleas of the Crown.
H. L. House of Lords.
H. L. C. or H. L. Cas. House of Lords Cases (Clark's).
H. L. F. Hall's Legal Forms.
H. L. Rep. Clark and Finnelly's House of Lords Reports, New Series.
H. P. C. Hale's Pleas of the Crown;—Hawkins' Pleas of the Crown.
H. T. Hilary Term.
h. t. Hoc titulum, or hoc titulo.
h. v. Hoc verbum, or his verbis.
H. W. Gr. H. W. Green's New Jersey Equity Reports.
H. & B. Hudson & Brooke's Irish King's Bench Reports.
H. & C. Hurlstone & Coltman's English Exchequer Reports.
H. & D. Lalor's Supplement to Hill and Denio's Reports, New York.
H. & Disb. Pr. Holmes and Disbrow's Practice.

H. & G. Harris & Gill's Maryland Reports;—Hurlstone & Gordon's English Reports.
H. & H. Horn & Hurlstone's English Exchequer Reports;—Harrison & Hodgkin's Municipal Reports, Upper Canada.
H. & J. Harris & Johnson's Maryland Reports;—Hayes & Jones's Exchequer Reports, Ireland.
H. & J. Forms. Hayes and Jarman's Forms of Wills.
H. & J. Ir. Hayes and Jones's Reports, Irish Exchequer.
H. & M. Henning & Munford's Virginia Reports;—Hemming & Miller's English Vice-Chancellors' Reports.
H. & M. Ch. Hemming & Miller's English Vice-Chancellors' Reports.
H. & McH. Harris & McHenry's Maryland Reports.
H. & N. Hurlstone and Norman's Reports, English Exchequer.
H. & P. Hopwood and Philbrick's Election Cases.
H. & R. Harrison & Rutherford's English Common Pleas Reports.
H. & S. Harris and Simrall's Mississippi Reports.
H. & T. Hall and Twell's Reports, English Chancery.
H. & T. Self-Def. Horrigan & Thompson's Cases on the Law of Self-Defense.
H. & W. Harrison & Wollaston's English King's Bench Reports;—Hurlstone & Walmesley's English Exchequer Reports.
Ha. Hare's Chancery Reports;—Hall;—Haggard.
Ha. & Tw. Hall and Twell's Reports, English Chancery.
Hab. Corp. Habeas Corpus.
Hab. fa. poss. Habere facias possessionem.
Hab. fa. seis. Habere facias seisinam.
Had. Haddington;—Hadley's Reports, vols. 45-48 New Hampshire.
Hadd. or Haddington. Haddington's Reports, Scotch Court of Session.
Hadl. Hadley's Reports, vols. 45-48 New Hampshire.
Hadl. Int. R. L. or Hadl. Rom. Law. Hadley's Introduction to the Roman Law.
Hadley. Hadley's Reports, vols. 45-48 New Hampshire.
Hag. Adm. Haggard's English Admiralty Reports.
Hag. Con. Haggard's English Consistory Reports.
Hag. Ecc. Haggard's English Ecclesiastical Reports.
Hag. (Utah). Hagan's Utah Reports.
Hag. (W. Va.). Hagan's Reports, West Virginia.
Hagan. Hagan's Reports, vols. 1-2 Utah.
Hagans. Hagans's Reports, vols. 1-5 West Virginia.
Hagg. See Hag.
Hagg. Adm. Haggard's Admiralty Reports, English.
Hagg. Con. or Hagg. Consist. Haggard's Consistory Reports, English.
Hagg. Ecc. Haggard's Ecclesiastical Reports, English.
Hagn. & M. (Md.). Hagner and Miller's Maryland Reports.
Hailes. Hailes's Decisions, Scotch Court of Session.
Hailes Ann. Hailes's Annals of Scotland.
Haines Am. L. Man. Haines's American Law Manual.
Hal. Law. Halsted's New Jersey Law Reports.
Halcomb. Cas. or Halcomb. Min. Cas. Halcomb's Mining Cases, London, 1826.
Hale. Hale's Reports, vols. 33-37 California.
Hale Anal. Hale's Analysis of the Law.
Hale C. L. or Hale Com. Law. Hale's History of the Common Law.
Hale, De Jure Mar. Hale, De Jure Maris.
Hale Ecc. Hale's Ecclesiastical Reports, English.
Hale, Hist. Eng. Law. Hale's History of the English Law.
Hale Jur. H. L. Hale's Jurisdiction of the House of Lords.
Hale P. C. Hale's Pleas of the Crown.

- Hale Prec.* Hale's Precedents in (Ecclesiastical) Criminal Cases.
- Hale Sum.* Hale's Summary of Pleas.
- Halk.* Halkerston's Compendium of Scotch Faculty Decisions;—Halkerston's Digest of the Scotch Marriage Law;—Halkerston's Latin Maxims.
- Halk. Comp.* Halkerston's Compendium of Scotch Faculty Decisions.
- Halk. Dig.* Halkerston's Digest of the Scotch Marriage Law.
- Halk. Lat. Max.* Halkerston's Latin Maxims.
- Hall.* Hall's New York Superior Court Reports;—Hall's Reports, vols. 56, 57 New Hampshire;—Hallett's Reports, vols. 1, 2 Colorado.
- Hall Adm.* Hall's Admiralty Practice.
- Hall Am. L. J.* American Law Journal (Hall's).
- Hall. (Col.).* Hallett's Colorado Reports.
- Hall. Const. Hist.* Hallam's Constitutional History of England.
- Hall, Émérig. Mar. Loans.* Hall, Essay on Maritime Loans from the French of Émérigon.
- Hall, Int. Law.* Hall on International Law.
- Hall Jour.* Journal of Jurisprudence (Hall's).
- Hall L. J.* American Law Journal (Hall's).
- Hall. Law of W.* Halleck's International Law and Law of War.
- Hall, Marit. Loans.* Hall, Essay on Maritime Loans from the French of Émérigon.
- Hall, Mex. Law.* Hall, Laws of Mexico Relating to Real Property, etc.
- Hall. Middle Ages.* Hallam's Middle Ages.
- Hall Neut.* Hall on Neutrals.
- Hall (N. H.).* Hall's New Hampshire Reports.
- Hall, Profits à Prendre.* Hall, Treatise on the Law Relating to Profits à Prendre, etc.
- Hall Sea Sh.* Hall on the Sea Shore.
- Hall & Tw.* Hall and Twell's Reports, English Chancery.
- Hallam.* Hallam's Middle Ages.
- Hallam's Const. Hist.* Hallam's Constitutional History of England.
- Hallam, Mid. Ages.* Hallam's Middle Ages.
- Hallett.* Hallett's Reports, Colorado Reports, vols. 1-2.
- Hallifax, Anal. or Hallifax Civil Law.* Hallifax's Analysis of the Civil Law.
- Hals. or Halst. or Halst. L.* Halsted's New Jersey Law Reports, vols. 6-12.
- Halst. Ch. or Halst. Eq.* Halsted's Chancery Reports, New Jersey Equity.
- Halst. Ev.* Halsted's Digest of the Law of Evidence.
- Ham.* Hammond's Nisi Prius;—Hammond's Reports, vols. 1-9 Ohio;—Hamilton's Reports, Scotch Court of Session.
- Ham. A. & O.* Hammerton, Allen & Otter, English Magistrates' Cases, vol. 3 New Sessions Cases.
- Ham. N. P.* Hammond's Nisi Prius.
- Ham. Parties.* Hammond on Parties to Action.
- Hamel, Cust.* Hamel's Laws of the Customs.
- Hamilton.* (Hamilton of) Haddington's Manuscript Cases, Scotch Court of Session;—Hamilton, American Negligence Cases.
- Hamlin.* Hamlin's Reports, vols. 81-99 Maine.
- Ham. A. & O.* Hamerton, Allen & Otter's Magistrate Cases, English Courts, vol. 3 New Session Cases.
- Ham. F. Ins.* Hammond on Fire Insurance.
- Ham. (Ga.).* Hammond's Reports, Georgia.
- Ham. Insan.* Hammond on Insanity.
- Ham. (Ohio).* Hammond's Reports, Ohio.
- Ham. N. P.* Hammond's Nisi Prius.
- Ham. Part.* Hammond on Parties to Action.
- Ham. Pl.* Hammond's Principles of Pleading.
- Ham. & J.* Hammond and Jackson's Reports, Georgia, vol. 45.
- Hammond.* Hammond's Reports, vols. 1-9 Ohio;—Hammond's Reports, vols. 36-45 Georgia.
- Hammond & Jackson.* Hammond & Jackson's Reports, vol. 45 Georgia.
- Han.* Handy's Ohio Reports;—Hannay's Reports, New Brunswick.
- Han. Ent.* Hansard's Entries.
- Han. Horse.* Hanover on the Law of Horses.
- Han. (N. B.).* Hannay's Reports, vols. 12, 13, New Brunswick.
- Hand.* Hand's Reports, vols. 40-45 New York;—Handy's Ohio Reports.
- Hand Ch. Pr.* Hand's Chancery Practice.
- Hand Cr. Pr.* Hand's Crown Practice.
- Handy.* Handy's Ohio Reports.
- Hanes.* Hanes's English Chancery.
- Hammer.* Hammer's Lord Kenyon's Notes, English King's Bench.
- Hann.* Hannay's Reports, New Brunswick.
- Hans.* Hansard's Entries.
- Hans. Parl. Deb.* Hansard's Parliamentary Debates.
- Hansb.* Hansbrough's Reports, vols. 76-90 Virginia.
- Hanson.* Hanson on Probate Acts, etc.
- Har.* Harmonized;—Harrison (see Harr.);—Harrington's Chancery Reports, Michigan.
- Har. (Del.).* Harrington's Reports, vols. 1-5 Delaware.
- Har. St. Tr.* Hargrave's State Trials.
- Har. & G. or Har. & Gill.* Harris and Gill's Reports, Maryland.
- Har. & J. or Har. & John. (Md.).* Harris and Johnson's Reports, Maryland.
- Har. & McH.* Harris and McHenry's Reports, Maryland.
- Har. & Ruth.* Harrison & Rutherford's English Common Pleas Reports.
- Har. & W. or Har. & Woll.* Harrison and Wollaston's Reports, English King's Bench.
- Harc.* Harcase's Decisions, Scotch Court of Session.
- Hard.* Hardres's Reports, English Exchequer.
- Hard. or Hardin (Ky.).* Hardin's Reports, Kentucky.
- Hard. Stat. L.* Hardcastle's Construction and Effect of Statutory Law.
- Hardes.* Hardesty, Delaware Term Reports.
- Hardr. or Hardres.* Hardres's English Exchequer Reports.
- Hardw.* Cases tempore Hardwicke, by Ridgeway;—Cases tempore Hardwicke, by Lee.
- Hare.* Hare's Reports, English Chancery.
- Hare Const.* Hare on the Constitution of the U. S.
- Hare Dis. or Hare Ev.* Hare on Discovery of Evidence.
- Hare & W. or Hare & Wal. L. C.* American Leading Cases, edited by Hare & Wallace.
- Harg.* Hargrave's State Trials;—Hargrove's Reports, vols. 68-75 North Carolina.
- Harg. C. B. M.* Hargrave's Collection, British Museum.
- Harg. Co. Litt.* Hargrave's Notes to Coke on Littleton.
- Harg. Coll.* Hargrave's, Judicial Arguments and Collection.
- Harg. Exer.* Hargrave's Jurisconsult Exercitationes.
- Harg. Jud. Arg.* Hargrave's Judicial Arguments.
- Harg. Law Tr. or Harg. Law Tracts.* Hargrave's Law Tracts.
- Harg. Th.* Hargrave on the Thellusson Act.
- Harg. St. Tr. or Harg. State Tr.* Hargrave's State Trials.
- Hargrove.* Hargrove's Reports, vols. 68-75 North Carolina.
- Harl. C. B. M.* Harleian Collection, British Museum.
- Harm.* Harmon's Reports, vols. 13-15 California;—Harmon's Upper Canada Common Pleas Reports.
- Harm. (U. C.).* Harman's Common Pleas Reports, Upper Canada.
- Harp. or Harp. L. or Harp. L. S. C.* Harper's South Carolina Law Reports.
- Harp. Con. Cas.* Harper's Conspiracy Cases, Maryland.
- Harp. Eq.* Harper's Equity Reports, South Carolina.
- Harp. L. or Harp. L. S. C.* Harper's Law Reports, South Carolina.
- Harr.* Harrison's Reports, New Jersey Law;—Harrington's Reports, Delaware;—Harrington's Chancery Reports, Michigan;—Harris's Reports,

vols. 13-24 Pennsylvania;—Harrison's Reports, vols. 15-17 and 23-29 Indiana.

Harr. Ch. Harrison's Chancery Reports, Michigan.

Harr. Ch. Pr. Harrison's Chancery Practice.

Harr. Con. La. R. Harrison's Condensed Louisiana Reports.

Harr. (Del.). Harrington's Reports, Delaware.

Harr. Dig. Harrison's Digest of English Common Law Reports.

Harr. Ent. Harris's Book of Entries.

Harr. (Ind.). Harrison's Reports, Indiana.

Harr. (Mich.). Harrington's Chancery Reports, Michigan.

Harr. (N. J.). Harrison's Reports, New Jersey Law, vols. 16-19.

Harr. (Pa.). Harris's Reports, Pennsylvania.

Harr. Proc. Harrison's Common Law Procedure Act.

Harr. & G. Harris and Gill's Reports, Maryland.

Harr. & Hodg. Harrison & Hodgins's Upper Canada Municipal Reports.

Harr. & J. Harris and Johnson's Reports, Maryland.

Harr. & McH. Harris and McHenry's reports, Maryland.

Harr. & R. or Harr. & Ruth. Harrison and Rutherford's Reports, English Common Pleas.

Harr. & S. or Harr. & Sim. Harris and Simrall's Reports, Mississippi, vols. 49-52.

Harr. & W. or Harr. & Woll. Harrison and Woollaston's Reports, English King's Bench.

Harring. Harrington's Delaware Reports;—Harrington's Michigan Chancery Reports.

Harris. Harris's Reports, vols. 13-24 Pennsylvania.

Harris Dig. Harris's Digest, Georgia.

Harris & Simrall. Harris & Simrall's Reports, vols. 49-52 Mississippi.

Harrison. Harrison's Reports, vols. 15-17 and 23-29 Indiana.

Hart. Hartley's Reports, vols. 4-10 Texas;—Hartley's Digest of Texas Laws.

Hart. Dig. Hartley's Digest of Laws, Texas.

Hartley. Hartley's Reports, vols. 4-10 Texas.

Hartley & Hartley. Hartley & Hartley's Reports, vols. 11-21 Texas.

Harv. Law Rev. Harvard Law Review.

Hask. Haskell's Reports, United States Courts, Maine (Fox's Decisions).

Hasl. Med. Jur. Haslam's Medical Jurisprudence.

Hast. Hastings's Reports, vols. 69, 70 Maine.

Hast. Tr. Sp. Speeches in the trial of Warren Hastings, Ed. by Bond.

Hats. Pr. Hatsell's Parliamentary Precedents.

Hav. Ch. Rep. Haviland's Chancery Reports, Prince Edward Island.

Hav. P. E. I. Haviland's Reports, Prince Edward Island.

Haw. Hawkins (see Hawk.);—Hawaiian Reports;—Hawley's Reports, vols. 10-20 Nevada.

Haw. Am. Cr. Rcp. or Haw. Cr. Rep. Hawley's American Criminal Reports.

Haw. W. C. or Haw. W. Cas. Hawes's Will Case, *Hawaii or Hawaiian Rep.* Hawaii (Sandwich Islands) Reports.

Hawk. Hawkin's Reports, Louisiana Annual.

Hawk. Abr. or Hawk. Co. Litt. Hawkins's Coke upon Littleton.

Hawk. P. C. or Hawk. Pl. Cr. Hawkins's Pleas of the Crown.

Hawk. W. Hawkins on Construction of Wills.

Hawkins. Hawkins's Reports, vols. 19-24 Louisiana Annual.

Hawks. Hawks's North Carolina Reports.

Hawl. Cr. R. Hawley's American Criminal Reports.

Hawl. or Hawley (Nev.). Hawley's Nevada Reports and Digest.

Hawley Cr. R. Hawley's American Criminal Reports.

Hay. Haywood's North Carolina Reports;—Haywood's Tennessee Reports (Haywood's Reports are sometimes referred to as though numbered consecutively from North Carolina through Tennessee);—

Hayes's Irish Exchequer Reports. See also Hayes;—Hayes's Reports, Calcutta;—Hay's Scotch Decisions.

Hay Acc. or Hay Dec. or Hay Acc. Cas. Hay's Decisions on Accidents and Negligence.

Hay (Calc.). Hay's Reports, Calcutta.

Hay. Conv. Hayes's Conveyancer.

Hay Dec. Hay's Decisions on Accidents and Negligence.

Hay. Est. or Hay. U. D. & T. Hayes on the Law of Uses, Devises, and Trusts, with reference to the Creation and Conveyance of Estates.

Hay. Exch. Hayes's Reports, Irish Exchequer.

Hay. Lim. Hayes on Limitations.

Hay P. L. Hay's Poor Law Decisions.

Hay. U. D. & T. Hayes on the Law of Uses, Devises, and Trusts, with reference to the Creation and Conveyance of Estates.

Hay. & H. or Hay. & Haz. Hayward & Hazelton's United States Circuit Court Reports.

Hay. & J. Hayes and Jones's Reports, Irish Exchequer.

Hay. & J. Wills. Hayes and Jarman on Wills.

Hay & M. or Hay & Marr. Hay & Marriott's Admiralty Reports (usually cited, Marriott's Reports).

Hayes or Hayes Exch. Hayes's Irish Exchequer Reports.

Hayes Conv. Hayes on Conveyancing.

Hayes & Jo. or Hayes & Jon. Hayes & Jones's Irish Exchequer Reports.

Haynes Lead. Cas. Haynes's Students' Leading Cases.

Haynes, Eq. Haynes's Outlines of Equity.

Hayes R. P. Hays on Real Property.

Hayw. Haywood's North Carolina Reports;—Haywood's Tennessee Reports (see Hay.).

Hayw. L. R. Hayward's Law Register, Boston.

Hayw. (N. C.). Haywood's Reports, North Carolina.

Hayw. (Tenn.). Haywood's Reports, Tennessee.

Hayw. & H. or Hayw. & H. (D. C.). Hayward & Hazelton's United States Circuit Court Reports.

Haz. Pa. Reg. Hazard's Pennsylvania Register.

Haz. U. S. Reg. Hazard's United States Register.

Haz. & Roch. M. War. Hazlitt and Roche on Maritime Warfare.

Head. Head's Reports, Tennessee.

Heard Civ. Pl. Heard's Civil Pleading.

Heard Cr. L. Heard's Criminal Law, Massachusetts.

Heard Cr. Pl. Heard's Criminal Pleading.

Heard L. & Sl. Heard on Libel and Slander.

Heath. Heath's Reports, Maine.

Heath Max. Heath's Maxims.

Heck. Cas. Hecker's Leading Cases on Warrant.

Hedges. Hedges's Reports, vols. 2-6 Montana.

Hein. Heineccius Opera.

Heinecc. Ant. Rom. Heineccius (J. G.) Antiquitatum Romanarum (Roman Antiquities.)

Heinecc. de Camb. Heineccius (J. G.) Elementa Juris Cambialis.

Heinecc. Elem. Heineccius (J. G.) Elementa Juris Civilis (Elements of the Civil Law.)

Heisk. Heiskell's Reports, Tennessee.

Helm. Helm's Reports, Nevada Reports.

Hem. Hempstead, United States;—Hemingway, Mississippi.

Hem. & M. or Hem. & Mil. Hemming & Miller's English Vice-Chancellors' Reports.

Heming. (Miss.). Hemingway's Mississippi Reports.

Hemp. Hempstead's United States Circuit Court Reports.

Hempst. Hempstead's Reports, U. S. 9th Circuit Ct. Reports.

Hen. King Henry; thus 1 Hen. I. signifies the first year of the reign of King Henry I.

Hen. Bl. or Hen. Bla. Henry Blackstone's English Common Pleas Reports.

Hen. For. Law. Henry on Foreign Law.

Hen. La. Dig. Hennen's Louisiana Digest.

Hen. Man. Cas. Henry's Manumission Cases.

Hen. Va. J. P. Henning's Virginia Justice of the Peace.

Hen. & M. or Hen. & Mun. (Va.). Hening & Munford's Virginia Reports.
Hepb. Hepburn's Reports, vols. 3, 4 California.
Her. Herne's Pleader.
Her. Char. U. Herne's Law of Charitable Uses.
Her. Estop. Herman on Estoppel.
Her. Ex. Herman on Executions.
Her. Hist. or Her. Jur. Heron's History of Jurisprudence.
Het. or Hettl. Hetley's English Common Pleas Reports.
Heyle Imp. D. Heyle's United States Import Duties.
Heyw. Ca. Heywood's Table of Cases, Georgia.
Hcyw. El. Heywood on Elections.
Hibb. Hibbard's Reports, vol. 20 Opinions Attorneys-General;—Hibbard's Reports, vol. 67 New Hampshire.
Hig. Dig. Pat. Cas. Higgin's Digest of Patent Cases.
High. Bail. Highmore on Bail.
High Ct. or High Ct. R. High Court Reports, Northwest Provinces of India.
High Inj. High on Injunction.
High Leg. Rem. High on Legal Remedies.
High. Lun. Highmore on Lunacy.
High. Mortm. Highmore on Mortmain.
High Rec. High on Receivers.
Hight. Hight's Reports, vols. 57-58 Iowa.
Hil. T. Hilary Term.
Hildy M. Ins. Hildy on Marine Insurance.
Hill. Hill's New York Reports;—Hill's Law Reports, South Carolina.
Hill. Abr. Hilliard's Abridgment of the Law of Real Property.
Hill. Am. Jur. Hilliard's American Jurisprudence.
Hill. Am. Law. Hilliard's American Law.
Hill. B. & Ins. Hilliard on Bankruptcy and Insolvency.
Hill Ch. Hill's Chancery Reports, South Carolina.
Hill Ch. Pr. Hill's Chancery Practice.
Hill. Contr. Hilliard on Contracts.
Hill Eq. Hill's Equity, South Carolina Reports.
Hill Fixt. Hill on Fixtures.
Hill. Inj. Hilliard on Injunction.
Hill. Mort. Hilliard on Mortgages.
Hill. N. T. or Hill. New Trials. Hilliard on New Trials.
Hill (N. Y.). Hill's Reports, New York.
Hill. R. P. or Hill. Real Prop. Hilliard on Real Property.
Hill. Sales. Hilliard on Sales.
Hill S. C. Hill's South Carolina Reports (Law or Equity).
Hill. Tax. Hilliard on the Law of Taxation.
Hill. Tort. Hilliard on Torts.
Hill Tr. Hill on Trustees.
Hill. Vend. Hilliard on Vendors.
Hill & D. or Hill & Den. (N. Y.). Hill and Denio's New York Reports.
Hill & Den. Sup. or Hill & Den. Supp. Lalor's Supplement to Hill and Denio's Reports, New York.
Hillyer. Hillyer's Reports, California Reports.
Hilt. Hilton's Reports, Common Pleas, New York.
Hind. Pat. Hindemarch on Patents.
Hinde Ch. Pr. Hinde, Modern Practice of the High Court of Chancery.
Hines. Hines's Reports, vols. 83-98 Kentucky.
Ho. Lord Cas. House of Lords Cases (Clark's).
Hob. Hobart's Reports, English Common Pleas and Chancery.
Hod. Hodge's Reports, English Common Pleas.
Hod. Railw. Hodge on the Law of Railways.
Hodg. Hodge's English Common Pleas Reports.
Hodg. Can. Elec. Cas. or Hodg. El. Cas. (Ont.). Hodgkin's Canada Election Cases.
Hoff. Hoffman's Land Cases, United States District Court;—Hoffman's New York Chancery Reports.
Hoff. Ch. Hoffman's New York Chancery Reports.
Hoff. Ch. Pr. Hoffman's Chancery Practice.
Hoff. Ecc. L. Hoffman's Ecclesiastical Law.
Hoff. Land or Hoff. Land Ca. or Hoff. L. C. Hoffman's Land Cases, U. S. Dist. Ct. of California.

Hoff. Lead. Ca or Hoff. Lead. Cas. Hoffman's Leading Cases, Commercial Law.
Hoff. Lcg. St. Hoffman's Legal Studies.
Hoff. Mas. Ch. or Hoff. Mast. Hoffman's Master in Chancery.
Hoff. or Hoff. Ch. (N. Y.). Hoffman's Chancery Reports, New York.
Hoff. Outl. Hoffman's Outlines of Legal Studies.
Hoff. Publ. Pap. Hoffman's Public Papers, New York.
Hoff. Ref. Hoffman on Referees.
Hoffm. Ch. Hoffman's New York Chancery Reports.
Hog. Hogan's Irish Rolls Court Reports;—(Hogan of) Harcarse's Scotch Session Cases.
Hog. St. Tr. Hogan's Pennsylvania State Trials.
Hogue. Hogue's Reports, Florida.
Holc. D. & Cr. Holcombe's Law of Debtor and Creditor.
Holc. L. Cas. Holcombe's Leading Cases of Commercial Law.
Holc. Dig. Holcombe's Digest.
Holc. Eq. Jur. Holcombe's Equity Jurisprudence.
Holc. Lead. Cas. Holcombe's Leading Cases on Commercial Law.
Hol. Inst. Holland's Institutes of Justinian.
Holl. Jur. Holland's Elements of Jurisprudence.
Holl. or Hollinshead (Minn.). Hollinshead's Minnesota Reports.
Holm. or Holmes. Holmes's United States Circuit Court Reports;—Holmes's Reports, vols. 15-17 Oregon.
Holt. Holt's English King's Bench Reports;—Holt's English Nisi Prius Reports;—Holt's English Equity Reports.
Holt Adm. or Holt Adm. Cas. Holt's Admiralty Cases. (Rule of the Road at Sea.)
Holt Ch. Holt's Equity V. C. Court.
Holt Eq. or Holt Eq. Rep. Holt's English Equity Reports.
Holt K B. Holt's English King's Bench Reports.
Holt. L. Dic. Holthouse's Law Dictionary.
Holt. N. P. Holt's Nisi Prius Reports, English Courts.
Holt R. of R. or Holt Rule of R. Holt's Rule of the Road Cases.
Holt Sh. Holt on Shipping.
Holthouse or Holthouse Dic. Holthouse's Law Dictionary.
Holtz. Enc. Holtzendorff, Encyclopädie der Rechtswissenschaft. (Encyclopedia of Jurisprudence.)
Home or Home H. Dec. Home's Manuscript Decisions, Scotch Court of Session. See also Kames.
Hood Ex. Hood on Executors.
Hook. or Hooker. Hooker's Reports, Connecticut.
Hoon. or Hoonahan. Hoonahan's Sind Reports, India.
Hop. & C. Hopwood & Coltman's English Registration Appeal Cases.
Hop. & Ph. Hopwood & Philbrick's English Registration Appeal Cases.
Hope. Hope (of Kerse) Manuscript Decisions, Scotch Court of Session.
Hope Min. Pr. Hope's Minor Practicks, Scotland.
Hopk. Hopkinson's Works.
Hopk. Adm. Hopkinson's Pennsylvania Admiralty Judgments.
Hopk. Adm. Dec. Admiralty Decisions of Hopkinson in Gilpin's Reports.
Hopk. Ch. Hopkins's Chancery Reports, New York.
Hopk. Judg. Hopkinson's Pennsylvania Admiralty Judgments.
Hopk. Mar. Ins. Hopkins on Marine Insurance.
Hopw. & C. or Hopw. & Colt. Hopwood and Coltman's English Registration Appeal Cases.
Hopw. & P. or Hopw. & Phil. Hopwood and Philbrick's English Registration Appeal Cases.
Hor. & Th. Cas. Horrigan & Thompson's Cases on Self-Defense.
Horn & H. Horn and Hurlstone's Reports, English Exchequer.
Horne Mir. or Horne M. J. Horne's Mirror of Justices.
Horner. Horner's Reports, vols. 11-23 South Dakota.

- Horr. & Th. or Horr. & T. Cas.* Horrigan & Thompson's Cases on Self-Defense.
- Horr. Y. B. (Horwood's).* Year-Books of Edward I.
- Hoskins.* Hoskins's Reports, vol. 2 North Dakota.
- Houard Ang.-Sax. Laws.* Houard's Anglo-Saxon Laws and Ancient Laws of the French.
- Houard Dict.* Houard's Dictionary of the Customs of Normandy.
- Hough Am. Con.* Hough on the American Constitution.
- Hough C. M.* Hough on Court Martial.
- Hough C.-M. Cas.* Hough's Court-Martial Case Book, London, 1821.
- Houghton.* Houghton's Reports, vol. 97 Alabama.
- Hous.* Houston's Delaware Reports.
- Hous. Pr.* Housman's Precedents in Conveyancing.
- House of L.* House of Lords, House of Lords Cases.
- Houst.* Houston's Reports, Delaware.
- Houst. Cr. Cas.* Houston's Criminal Cases, Delaware.
- Houst. on St. in Tr.* Houston on Stoppage in Transitu.
- Hov.* Hovenden on Frauds;—Hovenden's Supplement to Vesey, Jr.'s, English Chancery Reports.
- Hov. Fr.* Hovenden on Frauds.
- Hov. Sup. or Hov. Sup. Ves.* Hovenden's Supplement to Vesey, Jr.'s, English Chancery Reports.
- Hoved.* Hoveden, Chronica.
- How.* Howard's United States Supreme Court Reports;—Howard's Mississippi Reports;—Howard's New York Practice Reports;—Howell's Reports, vols. 22-26 Nevada.
- How. App. or How. App. Cas.* Howard's New York Court of Appeals Cases.
- How. Cas.* Howard's New York Court of Appeals Cases;—Howard's Popery Cases, Ireland.
- How. Cr. Tr.* Howison's Criminal Trials, Virginia.
- How. (Miss.).* Howard's Reports, Mississippi.
- How. (N. Y.).* Howard's Reports, N. Y. Court of Appeals.
- How. N. S.* Howard's New York Practice Reports, New Series.
- How. Pop. Cas.* Howard's Popery Cases, Ireland.
- How. Pr.* Howard's New York Practice Reports.
- How. Pr. N. S.* Howard's New York Practice Reports, New Series.
- How. Prac. or How. Pr. R. (N. Y.).* Howard's New York Practice Reports.
- How. S. C.* Howard's United States Supreme Court Reports.
- How. St. Tr. or How. State Tr.* Howell's English State Trials.
- How. U. S.* Howard's Reports, U. S. Supreme Court.
- How. & Beat.* Howell & Beatty's Reports, Nevada.
- How. & Nor.* Howell & Norcross's Reports, Nevada.
- Howe Pr.* Howe's Practice, Massachusetts.
- Howell N. P.* Howell's Nisi Prius Reports, Michigan.
- Hu.* Hughes's United States Circuit Court Reports;—Hughes's Kentucky Reports.
- Hub. Leg. Dir. or Hub. Leg. Dir. ec.* Hubbell's Legal Directory.
- Hub. Præl. J. C.* Huber, Prælectiones Juris Civilis.
- Hubb.* Hubbard's Reports, Maine.
- Hubb. Succ.* Hubback's Evidence of Succession.
- Hubbard.* Hubbard's Reports, Maine.
- Hud. & B. or Hud. & Br.* Hudson and Brooke's Reports, Irish King's Bench.
- Hud. & Will. Dig. (U. S.).* Hudson and William's United States Digest.
- Hugh.* Hughes's United States 4th Circuit Court Reports;—Hughes's Kentucky Reports.
- Hugh. Con.* Hughes's Precedents in Conveyancing.
- Hugh. Ent.* Hughes's Book of Entries.
- Hugh. Ins.* Hughes on Insurance.
- Hugh. (Ky.).* Hughes's Reports, Kentucky.
- Hugh. Wills.* Hughes on Wills.
- Hugh. Writs.* Hughes on Writs.
- Hughes.* Hughes's United States Circuit Court Reports.
- Hughs Abr.* Hughs's Abridgment.
- Hugo, Hist. du Droit Rom.* Hugo, Histoire du Droit Romain.
- Hum. (Tenn.).* Humphrey's Tennessee Reports.
- Hume.* Hume's Decisions, Scotch Court of Session.
- Hume Com. or Hume Cr. L.* Hume's Commentaries on Criminal Law of Scotland.
- Hume, Hist. Eng.* Hume's History of England.
- Humph. (Tenn.).* Humphrey's Reports, Tennessee.
- Humph. R. P.* Humphrey on Real Property.
- Hun.* Hun's New York Supreme Court Reports, also Appellate Division Supreme Court, New York.
- Hunt or Hunt Ann. Cas.* Hunt's Collection of Annuity Cases.
- Hunt Bound.* Hunt's Law of Boundaries and Fences.
- Hunt Cas.* Hunt's Annuity Cases.
- Hunt, Eq.* Hunt's Suit in Equity.
- Hunt Fr. Conv.* Hunt on Fraudulent Conveyances.
- Hunt Mer. Mag.* Hunt's Merchants' Magazine, New York.
- Hunt. Rom. L. or Hunter, Rom. Law.* Hunter on Roman Law.
- Hunter, Suit Eq.* Hunter's Proceeding in a Suit in Equity.
- Hur.* Hurlstone (see Hurl.).
- Hurd Hab. Corp.* Hurd on Habeas Corpus.
- Hurd Pers. Lib.* Hurd on Personal Liberty.
- Hurl. & C. or Hurl. & Colt.* Hurlstone & Coltman's English Exchequer Reports.
- Hurl. & Gord.* Hurlstone & Gordon's Reports, vols. 10, 11 English Exchequer.
- Hurl. & N. or Hurl. & Nor.* Hurlstone & Norman's English Exchequer Reports.
- Hurl. & Walms.* Hurlstone & Walmsley's English Exchequer Reports.
- Hurlst. & C.* Hurlstone and Coltman's Reports, English Exchequer.
- Hurlst. & G.* Hurlstone and Gordon's Reports, English Exchequer.
- Hurlst. & N.* Hurlstone and Norman's Reports, English Exchequer.
- Hurlst. & W.* Hurlstone and Walmsley's Reports, English Exchequer.
- Husb. Mar. Wom.* Husband on Married Women.
- Hust. L. T.* Huston on Land Titles in Pennsylvania.
- Hut.* Hutton's Reports, English Common Pleas.
- Hutch.* Hutcheson's Reports, vol. 81 Alabama.
- Hutch. Car.* Hutchinson on Carriers.
- Hutt.* Hutton's English Common Pleas Reports.
- Hux. Judg.* Huxley's Judgments.
- Hyde.* Hyde's Reports, India.
- I.* Idaho;—Illinois;—Indiana;—Iowa;—Irish (see Ir.);—The Institutes of Justinian.
- I. A.* Irish Act.
- I. C. C.* Interstate Commerce Commission Reports.
- I. C. L. R.* Irish Common Law Reports.
- I. C. R.* Irish Chancery Reports;—Irish Circuit Reports.
- I. E. R.* Irish Equity Reports.
- I. J. C. or I. J. Cas.* Irvine's Justiciary Cases, Scotch Justiciary Court.
- I. Jur.* Irish Jurist, Dublin.
- I. Jur. N. S.* Irish Jurist, New Series, Dublin.
- I. L. T.* Irish Law Times, Dublin.
- I. O. U.* I owe you.
- I. P.* Institutes of Polity.
- I. R.* Irish Reports.
- I. R. C. L.* Irish Reports, Common Law Series.
- I. R. Eq.* Irish Reports, Equity Series.
- I. R. R.* Internal Revenue Record, New York.
- I. T. R.* Irish Term Reports, by Ridgway, Lapp and Schoales.
- Ia.* Iowa;—Iowa Reports.
- Ib. or Id. Ibidem or Idem.* The same.
- Ida. or Idaho.* Idaho;—Idaho Reports.
- Iddings T. R. D.* Iddings's Dayton Term Reports.
- Il Cons. del Mar.* Il Consolato del Mare. See Consolato del Mare, in the body of this work.
- Ill.* Illinois;—Illinois Reports.
- Ill. App.* Illinois Appellate Court Reports.
- Imp. C. P.* Impey's Practice, Common Pleas.
- Imp. Fed.* Imperial Federation, London.
- Imp. K. B.* Impey's Practice, King's Bench.
- Imp. Pl.* Impey's Pleading's Guide.

- Imp. Pr. C. P.* Impey's Practice in Common Pleas.
Imp. Pr. K. B. Impey's Practice in King's Bench.
Imp. Sh. Impey's Office of Sheriff.
In Dom. Proc. In the House of Lords. See *Dom. Proc.*
- Inf.* In fine. At the end of the title, law, or paragraph quoted.
In pr. In principio. At the beginning of a law, before the first paragraph.
In sum. In summa. In the summary.
Ind. Indiana;—Indiana Reports;—India;—(East) Indian.
Ind. App. Law Reports, Indian Appeals;—Indiana Appeals.
Ind. App. Sup. or Ind. App. Supp. Indian Appeals Supplement, P. C.
Ind. Jur. Indian Jurist, Calcutta;—Indian Jurist, Madras.
Ind. L. Mag. Indiana Law Magazine.
Ind. L. R. (East) Indian Law Reports.
Ind. L. R. All. or Ind. L. R. Alla. Allahabad Series of Indian Law Reports.
Ind. L. R. Bomb. Indian Law Reports, Bombay Series.
Ind. L. R. Calc. Indian Law Reports, Calcutta Series.
Ind. L. R. Mad. Indian Law Reports, Madras Series.
Ind. L. Reg. Indiana Legal Register, Lafayette.
Ind. L. Rep. Indiana Law Reporter.
Ind. Rep. Indiana Reports;—Index Reporter.
Ind. Super. Indiana Superior Court Reports (Wilson's).
Ind. T. Indian Territory;—Indian Territory Reports.
Ind. Com. L. Indermaur's Principles of the Common Law.
Ind. L. C. Com. L. Indermaur's Leading Common Law Cases.
Ind. L. C. Eq. Indermaur's Leading Equity Cases.
Index Rep. Index Reporter.
Inf. *Infra.* Beneath or below.
Ing. Dig. Ingersoll's Digest of the Laws of the U. S.
Ing. Roc. Ingersoll's Roccus.
Ing. Ves. Ingraham's edition of Vesey, Jr.
Ingr. Insolv. Ingraham on Insolvency.
Inf. Injunction.
Ins. Insurance. Insolvency.
Ins. L. J. Insurance Law Journal, New York and St. Louis.
Ins. L. Mon. Insurance Law Monitor New York.
Ins. Rep. Insurance Reporter, Philadelphia.
Inst. Institutes; when preceded by a number denoting a volume (thus 1 *Inst.*), the reference is to Coke's Institutes; when followed by several numbers (thus *Inst.* 4, 2, 1), the reference is to the Institutes of Justinian.
1, 2, Inst. (1, 2) Coke's *Inst.*
Inst. 1, 2, 3. Justinian's *Inst.* lib. 1, tit. 2, § 3.
Inst. 1, 2, § 1. Justinian's Institutes, lib. 1, tit. 2, § 31.
 The Institutes of Justinian are divided into four books,—each book is divided into titles, and each title into paragraphs, of which the first, described by the letters *pr.*, or *princip.*, is not numbered. The old method of citing the Institutes was to give the commencing words of the paragraph and of the title; e. g., § *si adversus, Inst. de Nuptiis*. Sometimes the number of the paragraph was introduced, e. g., § 12, *si adversus, Inst. de Nuptiis*. The modern way is to give the number of the book, title, and paragraph, thus;—*Inst.* I. 10, 12; would be read *Inst.*, *Lib. I.* tit. 10, § 12.
Inst. Cler. Instructor Clericalis.
Inst. Com. Com. Interstate Commerce Commission Reports.
Inst. Epil. Epilogue to [a designated part or volume of] Coke's Institutes.
Inst. Jur. Angl. Institutiones Juris Anglicani, by Doctor Cowell.
Inst. Proem. *Proeme* [introduction] to [a designated part or volume of] Coke's Institutes.
Instr. Cler. Instructor Clericalis.
- Int. Case.* Rowe's Interesting Cases, English and Irish.
Int. Com. Rep. Interstate Commerce Reports.
Int. Private Law. Westlake's Private International Law.
Int. Rev. Rec. Internal Revenue Record, New York.
Iowa. Iowa Reports.
Iowa Univ. L. Bul. Iowa University Law Bulletin.
Ir. Irish;—Ireland;—Iredell's North Carolina Law or Equity Reports.
Ir. Ch. or Ir. Ch. N. S. Irish Chancery Reports.
Ir. Cir. or Ir. Cir. Rep. Irish Circuit Reports.
Ir. C. L. or Ir. Com. Law Rep. or Ir. L. N. S. Irish Common Law Reports.
Ir. Eccl. Irish Ecclesiastical Reports, by Milward.
Ir. Eq. Irish Equity Reports.
Ir. Jur. Irish Jurist, Dublin.
Ir. L. Irish Law Reports.
Ir. L. N. S. Irish Common Law Reports.
Ir. L. R. Irish Law Reports;—The Law Reports, Ireland, now cited by the year.
Ir. Law Rec. Irish Law Recorder.
Ir. Law Rep. Irish Law Reports.
Ir. Law Rep. N. S. Irish Common Law Reports.
Ir. L. T. Irish Law Times and Solicitors's Journal, Dublin.
Ir. L. T. Rep. Irish Law Times Reports.
Ir. Law & Ch. Irish Law and Equity Reports, New Series.
Ir. Law & Eq. Irish Law and Equity Reports, Old Series.
Ir. R. C. L. Irish Reports, Common Law Series.
Ir. R. Eq. Irish Reports, Equity Series.
Ir. R. Reg. App. Irish Reports, Registration Appeals.
Ir. R. Reg. & L. or Ir. Reg. & Land Cas. Irish Registry and Land Cases.
Ir. Rep. Reg. App. Irish Reports, Registration Appeals.
Ir. Rep. Reg. & L. Irish Reports, Registry and Land Cases.
Ir. St. Tr. Irish State Trials (Ridgeway's).
Ir. T. R. or Ir. Term Rep. Irish Term Reports (by Ridgeway, Lapp & Schoales).
Ired. Iredell's North Carolina Law Reports.
Ired. Dig. Iredell's Digest.
Ired. Eq. Iredell's Equity Reports, North Carolina.
Ired. L. Iredell's Law Reports, North Carolina.
Irp. Irvine's Justiciary Cases, Scotch Justiciary Court.
Iv. Ersk. Ivory's Notes on Erskine's Institutes.
Ir. R. 1894. Irish Law Reports for year 1894.
J. Justice;—Institutes of Justinian;—Johnson's New York Reports.
J. Adv. Gen. Judge Advocate General.
J. C. Johnson's Cases, New York Supreme Court;—Juris Consultus.
J. C. P. Justice of the Common Pleas.
J. Ch. or J. C. R. Johnson's New York Chancery Reports.
J. d'Ol. Les Jugemens d'Oleron.
J. et J. De Justitia et Jure.
J. Glo. Juncta Glossa.
J. H. Journal of the House.
JJ. Justices.
J. J. Mar. or J. J. Marsh. (Ky.). J. J. Marshall's Reports, Kentucky.
J. K. B. Justice of the King's Bench.
J. Kel. Sir John Kelyng's English Crown Cases.
J. P. Justice of the Peace.
J. P. Sm. J. P. Smith's English King's Bench Reports.
J. Q. B. Justice of the Queen's Bench.
J. R. Johnson's New York Reports.
J. S. Gr. (N. J.). J. S. Green's New Jersey Reports.
J. Scott. Reporter English Common Bench Reports.
J. U. B. Justice of the Upper Bench.
J. Voet. Com. ad Pand. Voet (Jan), Commentarius ad Pandectas.
J. & H. Johnson and Hemming's Reports, English Chancery.

J. & L. or J. & La T. Jones & La Touche's Irish Chancery Reports.

J. & S. Jones & Spencer's New York Superior Court Reports.

J. & S. Jam. Judah & Swan's Jamaica Reports.

J. & W. Jacob and Walker's Reports, English Chancery.

Jac. Jacobus;—Jacob's English Chancery Reports;—Jacob's Law Dictionary;—King James; thus 1 Jac. I. signifies the first year of the reign of King James I.

Jac. Dict. or Jac. L. D. Jacob's Law Dictionary.

Jac. Fish. Dig. Jacob's Fisher's Digest.

Jac. Int. Jacob's Introduction to the Common, Civil and Canon Law.

Jac. L. G. Jacob's Law Grammar.

Jac. Lex Mer. Jacob's Lex Mercatoria, or the Merchant's Companion.

Jac. Sea Law. Jacobsen's Law of the Sea.

Jac. & W. or Jac. & Walk. Jacob & Walker's English Chancery Reports.

Jack. Jackson's Reports, Georgia.

Jack. Tex. App. Jackson's Texas Court of Appeals Reports.

Jack. & G. Landl. & Ten. Jackson & Gross, Treatise on the Law of Landlord and Tenant in Pennsylvania.

Jackson. Jackson's Reports, vols. 43-66 Georgia;—Jackson's Reports, vols. 1-29 Texas Court of Appeals.

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Jacob. Jacob's Law Dictionary.

James. James's Reports, Nova Scotia.

James. Const. Con. Jameson on Constitutional Conventions.

James (N. Sc.). James's Reports, Nova Scotia.

James Op. James's Opinions, Charges, &c., London, 1820.

James Sel. Cas. or James Sel. Cases. James's Select Cases, Nova Scotia.

James & Mont. Jameson and Montagu's English Bankruptcy Reports (in 2 Glyn and Jameson).

Jan. Angl. Jani Anglorum.

Jar. Ch. Pr. Jarman's Chancery Practice.

Jar. Cr. Tr. Jardine's Criminal Trials.

Jar. Pow. Dev. Powell on Devises, with Notes by Jarman.

Jar. Prec. Bythewood and Jarman's Precedents.

Jar. Wills. Jarman on Wills.

Jard. Tr. Jardine's Criminal Trials.

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Jarm. Pow. Dev. Powell on Devises, with Notes by Jarman.

Jarm. Wills. Jarman on Wills.

Jarm. & By. Conv. Jarman and Bythewood's Conveyancing.

Jetus. Jurisconsultus.

Jebb or Jebb C. C. or Jebb Cr. Cas. or Jebb Ir. Cr. Cas. Jebb's Irish Crown Cases.

Jebb Cr. & Pr. Cas. Jebb's Irish Crown and Presentment Cases.

Jebb & B. Jebb and Bourke's Reports, Irish Queen's Bench.

Jebb & S. or Jebb & Sym. Jebb and Symes's Reports, Irish Queen's Bench.

Jeff. Jefferson's Reports, Virginia.

Jeff. Man. Jefferson's Manual of Parliamentary Law.

Jenk. or Jenk. Cent. Jenkins's Eight Centuries of Reports, English Exchequer.

Jenks. Jenks's Reports, vol. 58 New Hampshire.

Jenn. Jennison's Reports, vols. 14-18 Michigan.

Jer. Eq. Jur. or Jeremy, Eq. Jur. Jeremy's Equity Jurisdiction.

Jo. T. Sir T. Jones's Reports.

Jo. Juris. Journal of Jurisprudence.

Jo. & La T. Jones and La Touche's Reports, Irish Chancery.

John. Johnson's New York Reports;—Johnson's Reports of Chase's Decisions;—Johnson's Maryland Chancery Decisions;—Johnson's English Vice-Chancellors' Reports.

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Johns. Johnson's Reports, New York Supreme Court;—Johnson's Reports of Chase's Decisions;—Johnson's Maryland Chancery Decisions;—Johnson's English Vice-Chancellors' Reports.

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Johns. Ch. Cas. Johnson's Chancery Reports, New York.

Johns. Ct. Err. Johnson's Reports, New York Court of Errors.

Johns. Dec. Johnson's Maryland Chancery Decisions.

Johns. Eccl. Law. Johnson's Ecclesiastical Law.

Johns. Eng. Ch. Johnson's English Chancery Reports.

Johns. H. R. V. Johnson's English Chancery Reports.

Johns. (Md.). Johnson's Maryland Reports.

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Johns. Pat. Man. Johnson's Patent Manual.

Johns. Rep. Johnson's Reports, New York Supreme Court.

Johns. Tr. Johnson's Impeachment Trial.

Johns. U. S. Johnson's Reports of Chase's United States Circuit Court Decisions.

Johns. V. C. or Johns. V. Ch. Cas. Johnson's Cases in Vice-Chancellor Wood's Court.

Johns. & H. or Johns. & Hem. Johnson & Hemming's English Chancery Reports.

Johnson. Johnson's Reports, New York;—Johnson's English Vice-Chancellors' Reports;—Johnson's Maryland Chancery Decisions.

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Jon. Thos. Jones's Reports, English King's Bench and Common Pleas;—Wm. Jones's Reports, English King's Bench and Common Pleas.

Jon. (Ala.). Jones's Reports, Alabama, 62.

Jon. Bailm. Jones's Law of Bailments.

Jon. B. & W. Jones, Barclay, and Whittelsey's Reports, Missouri, vol. 31.

Jon. Corp. Sec. Jones on Corporate Securities.

Jon. Eq. Jones's Equity Reports, North Carolina.

Jon. Exch. Jones's Irish Exchequer Reports.

Jon. Inst. Jones's Institutes of Hindoo Law.

Jon. Intr. Jones's Introduction to Legal Science.

Jon. Ir. Exch. Jones's Reports, Irish Exchequer.

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Jon. (N. C.) Eq. Jones's Equity Reports, North Carolina.

Jon. Mort. Jones on Mortgages.

Jon. (Pa.). Jones's Reports, Pennsylvania.

Jon. Railw. Sec. Jones on Railway Securities.

Jon. Salv. Jones on Salvage.

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Jon. (U. C.). Jones's Reports, Upper Canada.

Jon. W. Wm. Jones's Reports, English King's Bench and Common Pleas. Sometimes cited as 1 Jones.

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- lish King's Bench Reports;—Sir William Jones's English King's Bench Reports;—See Jon.
Jones, Bailm. Jones's Law of Bailments.
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Jones, Chat. Mortg. Jones on Chattel Mortgages.
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Jones W. Sir William Jones's English King's Bench Reports.
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Jones & Spen. Jones & Spencer's New York Superior Court Reports.
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Jour. Jur. Journal of Jurisprudence (Hall's), Philadelphia.
Jour. Law. Journal of Law, Philadelphia.
Jour. Trib. Com. Journal des Tribunaux de Commerce, Paris.
Joy Chal. Joy on Challenge to Jurors.
Joy Ev. Acc. Joy on the Evidence of Accomplices.
Jud. Judgments. Judicial. Judicature;—Book of Judgments, English Courts.
Jud. Chr. Judicial Chronicle.
Jud. Com. of P. C. Judicial Committee of the Privy Council.
Jud. Repos. Judicial Repository, New York.
Jud. & Sw. (Jamaica). Judah and Swan's Reports, Jamaica.
Judd. Judd's Reports, vol. 4 Hawaii.
Jur. The Jurist Reports in all the Courts, London.
Jur. Eccl. Jura Ecclesiastica.
Jur. Mar. Molloy's De Jure Maritimo.
Jur. N. S. The Jurist, New Series, Reports in all the Courts, London.
Jur. (N. S.) Ex. Jurist (New Series) Exchequer.
Jur. N. Y. The Jurist or Law and Equity Reporter, New York.
Jur. Ros. Roscoe's Jurist, London.
Jur. Sc. Scottish Jurist, Court of Session, Scotland.
Jur. Soc. P. Juridical Society Papers, London.
Jur. St. Juridical Styles, Scotland.
Jur. Wash. D. C. The Jurist, Washington, D. C.
Jurisp. The Jurisprudent, Boston.
Jus Nav. Rhod. Jus Navale Rhodiorum.
Just. Dig. Digest of Justinian, 50 books. Never translated into English.
Just. Inst. Justinian's Institutes. See note following "Inst. 1, 2, 31."
Just. Itin. Justice Itinerant or of Assize.
Just. P. The Justice of the Peace, London.
Just. S. L. Justice's Sea Law.
Just. T. Justice of Trailbaston.
Juta. Juta's Cape of Good Hope Reports.
K. Keyes's New York Court of Appeals Reports;—Kenyon's English King's Bench Reports;—Kansas (see Kan.).
K. B. or [1901] *K. B.* Law Reports, King's Bench Division, from 1901 onward.
K. B. (U. C.). King's Bench Reports, Upper Canada.
K. C. King's Council.
K. C. R. Reports *tempore* King, English Chancery.
K. & B. Dig. Kerford's and Box's Victorian Digest.
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Kam. or *Kam. Dec.* Kames's Decisions, Scotch Court of Session.
Kam. Eluc. Kames's Elucidations of the Law of Scotland.
Kam. Eq. Kames's Principles of Equity.
Kam. Ess. Kames's Essays.
Kam. Hist. L. Tr. or *Kam. L. T.* Kames's Historical Law Tracts.
Kam. Rem. Dec. Kames's Remarkable Decisions, Scotch Court of Session.
Kam. Sel. Dec. Kames's Select Decisions, Scotch Court of Session.
Kam. Tr. Kames's Historical Law Tracts.
Kames, Eq. Kames's Principles of Equity.
Kan. (or Kans.). Kansas;—Kansas Reports.
Kan. C. L. Rcp. Kansas City Law Reporter.
Kan. L. J. Kansas Law Journal.
Kan. Univ. Lawy. Kansas University Lawyer, Lawrence.
Kans. App. Kansas Appeals Reports.
Kay. Kay's English Vice-Chancellors' Reports.
Kay Sh. Kay on Shipping.
Kay & J. or *Kay & Johns.* Kay and Johnson's Reports, English Chancery.
Ke. Keen's English Rolls Court Reports.
Keane & G. R. C. or *Keane & Gr.* Keane and Grant's English Registration Appeal Cases.
Keat. Fam. Sett. Keating on Family Settlements.
Keble. or *Keble.* Keble's Reports, English King's Bench.
Keble J. Keble's Justice of the Peace.
Keble Stat. Keble's Statutes of England.
Keen. Keen's Reports, English Rolls Court.
Keen. Cas. Qua. Contr. or *Keener, Quasi Contr.* Keener's Cases on Quasi Contracts.
Keilw. or *Keilw.* Keilway's Reports, English King's Bench.
Kel. 1. Sir John Kelyng's English Crown Cases.
Kel. 2. William Kelynge's English Chancery Reports.
Kel. Ga. Kelly's Reports, Georgia Reports, vols. 1-3.
Kel. J. or *1 Kel.* Sir John Kelyng's Reports, English Crown Cases.
Kel. W. or *2 Kel.* W. Kelynge's Reports, English Chancery and King's Bench.
Kel. & C. Kelly and Cobb's Reports, Georgia.
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Kelynge, W. Kelynge's English Chancery Reports.
Kemble, Sax. Kemble, The Saxons in England.
Ken. Kentucky (see Ky.);—Kenyon English King's Bench Reports.
Ken. Dec. Kentucky Decisions, by Sneed.
Ken. L. Rep. Kentucky Law Reporter.
Kenan. Kenan's Reports, vols. 76-91 North Carolina.
Kenn. Gloss. Kennett's Glossary.
Kenn. Imp. Kennett on Impropriations.
Kenn. Par. Antig. Kennett, Parochial Antiquities
Kennett. Kennett's Glossary;—Kennett upon Impropriations.
Kennett, Gloss. Kennett's Glossary.
Kent or *Kent Com.* or *Kent Comm.* Kent's Commentaries on American Law.
Keny. Kenyon's Notes, English King's Bench.
Keny. C. H. (or *3 Keny.*). Chancery Reports at the end of 2 Kenyon.
Kern. Kern's Reports, vols. 100-116 Indiana;—Kernan's Reports, vols. 11-14 New York Court of Appeals.

- Kerr.** *Kerr's Reports*, Indiana; — *Kerr's New Brunswick Reports*; — *Kerr's Reports*; — J. M. Kerr's *Reports*, vols. 27-29 New York Civil Procedure.
- Kerr Act.* *Kerr on Actions at Law.*
- Kerr Anc. L.* *Kerr on Ancient Lights.*
- Kerr Disc.* *Kerr on Discovery.*
- Kerr Extra.* *Kerr on Inter-State Extradition.*
- Kerr Fr.* *Kerr on Fraud and Mistake.*
- Kerr Inj.* *Kerr on Injunction.*
- Kerr (N. B.).* *Kerr's Reports*, New Brunswick.
- Kerr Rec.* *Kerr on Receivers.*
- Kerse.* *Kerse's Manuscript Decisions*, Scotch Court of Session.
- Key. or Keyes.* *Keyes's Reports*, New York Ct. of Appeals. Sometimes cited as vols. 40-43 N. Y.
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- Keyes F. I. L.* *Keyes on Future Interest in Lands.*
- Keyes Rem.* *Keyes on Remainders.*
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- Kilk.* *Kilkerran's Reports*, Scotch Court of Session.
- King.* *King's Reports*, vols. 5, 6 Louisiana Annual.
- King Cas. temp.* *Select Cases tempore King*, English Chancery.
- King's Conf. Ca.* *King's Conflicting Cases.*
- Kir. (Kirb. or Kirby).* *Kirby's Connecticut Reports.*
- Kirt. Sur. Pr.* *Kirtland on Practice in Surrogates' Courts.*
- Kitch.* *or Kitch. Courts or Kitchin.* *Kitchin on Jurisdictions of Courts-Lect, Courts-Baron, etc.*
- Kn. or Kn. A. C. or Knapp or Knapp A. C.* *Knapp's Appeal Cases (English Privy Council).*
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- Kn. & M. or Kn. & Moo. or Knapp & M.* *Knapp and Moore's Reports*, vol. 3 *Knapp's English Privy Council.*
- Kn. & O. or Knapp & Omb.* *Knapp and Ombler's Election Cases.*
- Knapp.* *Knapp's Privy Council Reports*, England.
- Knowles.* *Knowles's Reports*, vol. 3 Rhode Island.
- Knox.* *Knox, New South Wales Reports.*
- Knox & Fitz.* *Knox & Fitzhardinge*, New South Wales.
- Kolze.* *Transvaal Reports* by Kolze.
- Kreider.* *Kreider's Reports*, vols. 1-23 Washington.
- Kress.* *Kress's Reports*, vols. 166-194 Pennsylvania; — *Kress's Pennsylvania Superior Court.*
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- Ky.* *Kentucky*; — *Kentucky Reports.*
- Ky. Dec.* *Kentucky Decisions*, Sneed's Reports.
- Ky. L. R. or Ky. L. Rep.* *Kentucky Law Reporter.*
- Kyd Aw.* *Kyd on the Law of Awards.*
- Kyd Bills.* *Kyd on Bills of Exchange.*
- Kyd Corp.* *Kyd on Corporations.*
- L.* *Lansing's Supreme Court Reports*, New York; — *Law. Lol. Liber.*
- L. A.* *Lawyers' Reports Annotated.*
- L. Alam.* *Law of the Alamanni.*
- L. Baiwar. or L. Boior.* *Law of the Bavarians.*
- L. C.* *Lord Chancellor*; — *Lower Canada*; — *Leading Cases.*
- L. C. B.* *Lord Chief Baron.*
- L. C. C. C.* *Lower Canada Civil Code.*
- L. C. C. P.* *Lower Canada Civil Procedure.*
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- L. C. J. or L. C. Jur.* *Lower Canada Jurist*, Montreal.
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- L. C. R.* *Lower Canada Reports.*
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- L. Ed.* *Lawyers' Edition Supreme Court Reports.*
- L. F.* *Leges Forestarum.*
- L. Fr.* *Law French.*
- L. H. C.* *Lord High Chancellor.*
- L. I.* *Legal Intelligencer*, Philadelphia.
- L. I. L.* *Lincoln's Inn Library.*
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- L. J. U. C.* *Law Journal*, Upper Canada.
- LL.* *Laws.*
- L. L.* *Law Latin. Local Law*; — *Law Library*, Philadelphia (reprint of English treatises).
- L. L. N. S.* *Law Library*, New Series.
- L. Lat.* *Law Latin.*
- L. M. & P.* *Lowndes, Maxwell, and Pollock's Reports*, English Bail Court.
- L. Mag.* *Law Magazine*, London.
- L. Mag. & L. R. or L. Mag. & R.* *Law Magazine and Law Review*, London.
- L. N.* *Liber Niger, or the Black Book.*
- L. O.* *Legal Observer*, London.
- L. P. B.* *Lawrence's Paper Book. See A. P. B.*
- L. P. C.* *Lord of the Privy Council.*
- L. P. R.* *Lilly's Practical Register.*
- L. R.* *Law Reports (English)*; — *Law Reporter (Law Times Reports, New Series) Law Review*; — (Irish) *Law Recorder*, Reports in all the Irish Courts; — *Louisiana Reports.*
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L. R. Ex. or L. R. Exch. English Law Reports, Exchequer (1866-1875).
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L. R. Sess. Cas. English Law Reports, Session Cases.
L. R. Stat. English Law Reports, Statutes.
L. Rep. (Mont.). Law Reporter (Montreal).
L. Repos. Law Repository.
L. Rev. & Quart. J. Law Review and Quarterly Journal.
L. Ripar. Law of the Riparians.
L. S. Locus sigilli, place of the sea.
L. Salic. Salic Law.
L. Stu. Mag. N. S. Law Student's Magazine, New Series.
L. T. The Law Times, Scranton, Pa.;—The Law Times, London.
L. T. B. American Law Times Bankruptcy Reports.
L. T. J. Law Times Journal.
L. T. N. S. or L. T. R. N. S. or L. T. Rep. N. S. Law Times (New Series) Reports, London;—American Law Times Reports.
L. T. O. S. Law Times, Old Series.
L. T. R. Law Times Reports, in all the Courts.
L. V. Rep. Lehigh Valley Reporter, Pennsylvania.
L. & B. Bull. Law and Bank Bulletin.
L. & B. Ins. Dig. Littleton and Blatchley's Insurance Digest.
L. & C. or L. & C. C. C. Leigh & Cave's English Crown Cases, Reserved.
L. & E. English Law and Equity Reports, Boston Edition.
L. & E. Rep. Law and Equity Reporter, New York.
L. & G. t. Plunk. Lloyd and Goold's Cases *tempore* Plunkett, Irish Chancery.
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L. & M. Lowndes & Maxwell's English Practice Cases, Bail Court.
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La. Lane's Reports, English Exchequer;—Louisiana;—Louisiana Reports;—Lane's English Exchequer Reports.
La. An. Louisiana Annual Reports;—Lawyers' Reports, Annotated.
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Lab. Labatt's Reports, U. S. District Ct., California.
Lac. Dig. Ry. Dec. or Lacey Dig. Lacey's Digest of Railway Decisions.
Lack. Leg. R. Lackawanna Legal Record, Scranton, Pa.
Ladd. Ladd's Reports, vols. 59-64 New Hampshire.
Lal. R. P. Lalor on Real Property.
Lalor. Lalor's Supplement to Hill and Denio's Reports, New York.
Lalor, Pol. Econ. Lalor, Cyclopædia of Political Science, Political Economy, etc.
Lamar. Lamar's Reports, vols. 25-42 Florida.
Lamb. Lamb's Reports, Wisconsin.
Lamb. Arch. or Lamb. Archai. Lambard's Archæologia.
Lamb. Const. Lambard, Duties of Constables, etc.
Lamb. Eir. or Lamb. Eiren. Lambard's Eirenarcha.
Lanc. B. The Lancaster Bar, Pennsylvania.
Lanc. L. Rev. Lancaster Law Review.
Land Com. Rep. Land Commissioners Reports, Ireland.
Land Est. C. Landed Estates Court.
Lane. Lane's Reports, English Exchequer.
Lang. Eq. Pl. Langdell's Summary of Equity Pleading.
Lang. Lead. Cas. Langdell's Leading Cases on Contracts.
Lang. L. C. Sales. Langdell's Leading Cases on Sales.
Langd. Cont. Langdell's Leading Cases on Contracts;—Langdell's Summary of the Law of Contracts.
Lans. Lansing's Reports, New York Supreme Court Reports, vols. 1-7.
Lans. Ch. or Lans. Sel. Cas. Lansing's Select Chancery Cases, New York.
Laper. Dec. Laperrière's Speaker's Decisions, Canada.
Las Partidas. Las Siete Partidas.
Lat. or Latch. Latch's Reports, English King's Bench.
Lath. Lathrop's Reports, vols. 115-145 Massachusetts.
Lauder. (Lauder of) Fountainhall's Scotch Session Cases.
Laur. H. C. Ca. Lauren's High Court Cases (Kimberly).
Laur. Prim. Laurence on the Law and Custom of Primogeniture.
Lauss. Eq. Laussat's Equity in Pennsylvania.
Law Bul. Law Bulletin, San Francisco.
Law Chron. Law Chronicle, London;—Law Chronicle, Edinburgh.
Law. Con. Lawson on Contracts.
Law Ex. J. Law Examination Journal, London.
Law Fr. & Lat. Dict. Law French and Latin Dictionary.
Law Int. Law Intelligencer.
Law J. Ch. Law Journal, New Series, Chancery.
Law J. I. B. Law Journal, New Series, English Queen's Bench.
Law J. P. D. Law Journal, Probate Division.
Law J. R., Q. B. Law Journal Reports, English Queen's Bench.

- Law Jour.* Law Journal. See *L. J.*
Law Jour. (M. & W.). Morgan and Williams's Law Journal, London.
Law Jour. (Smith's). J. P. Smith's Law Journal, London.
Law Jur. Law's Jurisdiction of the Federal Courts.
Law Lib. Law Library, Philadelphia (reprint of English treatises).
Law Lib. N. S. Law Library, New Series, Philadelphia.
Law Mag. Law Magazine, London.
Law News. Law News, St. Louis, Mo.
Law Pat. Dig. Law's Digest of Patent, Copyright and Trade-mark Cases.
Law. Pl. Lawes's Treatise on Pleading in Assumpsit.
Law Pr. Law's Practice in the Courts of the U. S.
Law Quart. Rev. Law Quarterly Review, London.
Law Rec. Law Recorder, Reports in all the Irish Courts.
Law Rep. Law Reporter, Boston;—Law Reports. See *L. R.*
Law Rep. A. & E. Law Reports, Admiralty and Ecclesiastical.
Law Rep. App. Cas. Law Reports, Appeal Cases.
Law Rep. C. C. Law Reports, Crown Cases.
Law Rep. C. P. or Law Rep. C. P. D. Law Reports, Common Pleas Division.
Law Rep. Ch. Law Reports, Chancery Appeal Cases.
Law Rep. Ch. D. Law Reports, Chancery Division.
Law Rep. Eq. Law Reports, Equity Cases.
Law Rep. Ex. or Law Rep. Ex. D. Law Reports, Exchequer Division.
Law Rep. H. L. Law Reports, House of Lords, English and Irish Appeal Cases.
Law Rep. H. L. Sc. Law Reports, Scotch and Divorce Appeal Cases, House of Lords.
Law Rep. Ind. App. Law Reports, Indian Appeals.
Law Rep. Ir. Law Reports, Irish.
Law Rep. Misc. D. Law Reports, Miscellaneous Division.
Law Rep. N. S. Monthly Law Reporter, Boston.
Law Rep. P. C. Law Reports, Privy Council, Appeal Cases.
Law Rep. P. & D. Law Reports, Probate and Divorce Cases.
Law Rep. Q. B. or Law Rep. Q. B. D. Law Reports, Queen's Bench Division.
Law Repos. Carolina Law Repository, North Carolina.
Law Rep. (Tor.). Law Reporter, Toronto.
Law Repos. Carolina Law Repository, North Carolina.
Law Rev. Law Review, London.
Law Rev. Qu. Law Review Quarterly, Albany, N. Y.
Law Rev. & Qu. J. Law Review and Quarterly Journal, London.
Law Stu. Mag. Law Students' Magazine, London.
Law Times or Law Times N. S. or Law Times Rep. N. S. Law Times Reports, New Series, English Courts, with Irish and Scotch Cases.
Law Times (Scranton). Law Times, Scranton, Pa.
Law Weekly. Law Weekly, New York.
Law & Mag. Mag. Lawyers' and Magistrates' Magazine, London.
Lawes C. Lawes on Charter Parties.
Lawes Pl. Lawes on Pleading.
Lawr. or Lawrence. Lawrence's Reports, vol. 20 Ohio.
Lawrence Comp. Dec. Lawrence's First Comptroller's Decisions.
Lawes. Cas. Crim. L. Lawson's Leading Cases in Criminal Law.
Lawes. Cas. Eq. Lawson's Leading Cases in Equity and Constitutional Law.
Lawes. Lead. Cas. Simp. Lawson's Leading Cases Simplified.
Lawson Cont. Lawson on Contracts.
Lawson, Usages & Cust. Lawson on the Law of Usages and Customs.
Lawy. Mag. Lawyers' Magazine.
Lay. Lay's Reports, English Chancery.
Ld. Ken. Lord Kenyon's English King's Bench Reports.
Ld. Kaym. Lord Raymond's English King's Bench Reports.
Le Mar. Le Marchant's Gardner Peerage Case.
Lea or Lea B. J. Lea's Tennessee Reports;—Leach.
Leach or Leach C. C. Leach's Crown Cases, English Courts.
Leach C. L. Leach, Cases in Crown Law.
Leach Cas. or Leach Cl. Cas. Leach's Club Cases, London.
Lead. Cas. Am. American Leading Cases, by Hare & Wallace.
Lead. Cas. Eq. White and Tutor's Leading Cases in Equity.
Leake. Leake on Contracts;—Leake's Digest of the Law of Property in Land.
Leake, Cont. or Leake Contr. Leake on Contracts.
Leg. El. Dr. Civ. Rom. or Lec. Elm. Leçons Élémentaires du Droit Civil Romain.
Le Droit C. Can. Le Droit Civil Canadian, Montreal.
Lee. Lee's English Ecclesiastical Reports;—Lee's Reports, vols. 9-12 California.
Lee Abs. Lee on Abstracts of Title.
Lee (Cal.). Lee's Reports, California.
Lee Cas. Ecc. Lee's Cases, English Ecclesiastical Courts.
Lee Cas. t. H. or Lee & H. Lee's Cases *tempore Hardwicke*, English King's Bench.
Lec. Dict. or Lee Pr. Lee's Dictionary of Practice.
Lee G. Sir George Lee's English Ecclesiastical Reports.
Leesc. Leese's Reports, vol. 26 Nebraska.
Lef. Dec. Lefevre's Parliamentary Decisions, reported by Bourke.
Lefroy. Lefroy's English Railroad and Canal Cases.
Leg. Leges.
Leg. Adv. Legal Adviser, Chicago, Ill.
Leg. Alfred. Leges Alfredi (laws of King Alfred.)
Leg. Bibl. Legal Bibliography, by J. G. Marvin.
Leg. Burg. Leges Burgorum, Scotland.
Leg. Canut. Leges Canuti (laws of King Canute or Knut.)
Leg. Chron. or Leg. Chron. Rep. Legal Chronicle Reports, Pottsville, Pennsylvania.
Leg. Edm. Leges Edmundi (laws of King Edmund.)
Leg. Ethel. Leges Ethelredi.
Leg. Exam. Legal Examiner, London.
Leg. Exam. N. S. Legal Examiner, New Series, London.
Leg. Exam. & L. C. Legal Examiner and Law Chronicle, London.
Leg. Exam. & Med. J. Legal Examiner and Medical Jurist, London.
Leg. Exam. W. R. Legal Examiner, Weekly Reporter, London.
Leg. Exch. Legal Exchange, Des Moines, Iowa.
Leg. G. Legal Guide, London.
Leg. Gaz. or Leg. Gaz. R. or Leg. Gaz. Rep. (Pa.). Legal Gazette Reports, Pennsylvania.
Leg. H. 1. Laws of [King] Henry the First.
Leg. Inq. Legal Inquirer, London.
Leg. Int. Legal Intelligencer, Philadelphia.
Leg. News. Legal News, Montreal.
Leg. Obs. Legal Observer, London.
Leg. Oler. The Laws of Oleron.
Leg. Op. Legal Opinions, Harrisburg, Penna.
Leg. Out. Legge on Outlawry.
Leg. Rec. Rep. Legal Record Reports.
Leg. Rem. Legal Remembrancer, Calcutta High Court.
Leg. Rep. Legal Reporter, Nashville, Tenn.
Leg. Rep. (Ir.). Legal Reporter, Irish Courts.
Leg. Rev. Legal Review, London.
Leg. Rhod. Laws of Rhodes.
Leg. T. Cas. Legal Tender Cases.
Leg. Ult. The Last Law.
Leg. Wisb. Laws of Wisbuy.
Leg. Y. B. Legal Year Book, London.
Leg. & Ins Rept. Legal and Insurance Reporter, Philadelphia.

- Legg.* Leggett's Reports, Sind, India.
Legge. Legge's Supreme Court Cases, New South Wales.
Legul. The Leguleian, London.
Lehigh Val. L. Rep. Lehigh Valley Law Reporter.
Leigh. Leigh's Reports, Virginia.
Leigh N. P. Leigh's Nisi Prius Law.
Leigh & C. Leigh and Cave's Crown Cases, English Courts.
Leigh & D. Conv. Leigh and Dalzell on Conversion of Property.
Leith R. P. St. Leith's Real Property Statutes, Ontario.
Le Mar. Le Marchant's Gardner Peerage Case.
Leo. or Leon. Leonard's Reports, English King's Bench.
Lest. P. L. or Lest. P. L. C. Lester's Decisions in Public Land Cases, U. S. 1860-70.
Lester. Lester's Reports, vols. 31-33 Georgia.
Lester Supp. or Lest. & But. or Lester & B. Lester & Butler's Supplement to Lester's 33d Georgia Reports.
Lev. Levinz's Reports, English King's Bench.
Lew. Lewin's English Crown Cases Reserved;—Lewis, Missouri;—Lewis's Reports, Nevada.
Lew. C. C. Lewin's Crown Cases, English Courts.
Lew. C. L. or Lew. Cr. Law. Lewis's Criminal Law of the U. S.
Lew L. Cas. or Lew. L. Cas. on L. L. Lewis's Leading Cases on Public Land Law.
Lew. L. T. in Phila. Lewis on Land Titles in Philadelphia.
Lew. Perp. Lewis on the Law of Perpetuities.
Lew. Pr. Lewis's Principles of Conveyancing.
Lew. Stocks. Lewis on Stocks, Bonds, etc.
Lew. Tr. Lewin on Trusts.
Lewis. Lewis's Reports, vols. 29-35 Missouri Appeals;—Lewis's Reports, vol. 1 Nevada;—Lewis's Kentucky Law Reporter.
Lewis, Perp. Lewis on the Law of Perpetuity.
Lex Cust. Lex Custumaria.
Lex Jurid. Calvinius, Lexicon Juridicum Juris Casari simul et Canonici, etc.
Lex Man. Lex Manerium.
Lex Mer. or Lex Mer. Red. Lex Mercatoria, by Beawes.
Lex Mer. Am. Lex Mercatoria Americana.
Lex Parl. Lex Parliamentaria.
Lex Salic. Lex Salica.
Ley. Ley's English King's Bench Reports;—Ley's Reports, English Court of Wards and other Courts.
Lib. Liber (book);—Library.
Lib. Ass. Liber Assisarum (Part 5 of the Year Books).
Lib. Ent. Old Book of Entries.
Lib. Feud. Liber Feudorum; Consuetudines Feudorum, at end of Corpus Juris Civilis.
Lib. Intr. Liber Intrationum: Old Book of Entries.
Lib. L. & Eq. Library of Law and Equity.
Lib. Niger. Liber Niger, or the Black Book.
Lib. Pl. Liber Placitundi, Book of Pleading.
Lib. Reg. Register Books.
Lib. Rub. Liber Ruber, the Red Book.
Lib. Ten. Liber Tenementum.
Lieb. Civ. Lib. Lieber on Civil Liberty and Self-Government.
Lieb. Herm. Lieber's Hermeneutics.
Lieber Civ. Lib. Lieber on Civil Liberty and Self-Government.
Life & Acc. Ins. or Life & Acc. Ins. R. Life and Accident Insurance Reports (Bigelow's).
Lig. Dig. Ligon's Digest (Alabama).
Lil. Lilly's Reports or Entries, English Court of Assize.
Lil. Abr. Lilly's Abridgment.
Lil. Reg. Lilly's Practical Register.
Lind. Jur. Lindley's Jurisprudence.
Lind. Part. or Lindl. Partn. Lindley on Partnership.
Linn Ind. Linn's Index of Pennsylvania Reports.
Linn's Laws Prov. Pa. Linn on the Laws of the Province of Pennsylvania.
Lit. or Litt. Littell's Kentucky Reports;—Littell's English Common Pleas and Exchequer Reports.
Lit. Sel. Ca. Littell's Select Kentucky Cases.
Lit. s. Littleton, section.
Lit. Ten. Littleton's Tenures.
Lit. & Bl. Dig. Littleton & Blatchley's Insurance Digest.
Litt. (Ky.). Littell's Reports, Kentucky.
Litt. Sel. Cas. Littell's Select Cases, Kentucky.
Litt. Ten. Littleton's Tenures.
Litt. & B. Littleton and Blatchley's Digest of Insurance Decisions.
Littell. Littell's Kentucky Reports.
Littleton. Littleton's English Common Pleas and Exchequer Reports.
Liv. Livre, Book.
Liv. Cas. Livingston's Cases in Error, New York.
Liv. Jud. Op. Livingston's Judicial Opinions, New York.
Liv. L. Mag. Livingston's Law Magazine, New York.
Liv. L. Reg. Livingston's Law Register, New York.
Liverm. Ag. Livermore on Principal and Agent.
Liverm. Diss. Livermore's Dissertation on the Contrariety of Laws.
Liz. Sc. Erch. Lizars's Scotch Exchequer Cases.
Ll. Leges. Laws.
Ll. & G. t. P. Lloyd & Goold's Irish Chancery Reports tempore Plunkett.
Ll. & G. t. S. Lloyd & Goold's Irish Chancery Reports tempore Sugden.
Ll. & W. or Lloyd & W. Lloyd & Welsby's English Mercantile Cases.
Llo. Ch. St. Lloyd's Chitty's Statutes.
Llo. T. M. Lloyd on Trademarks.
Llo. & G. t. P. Lloyd and Goold's Reports, tempore Plunkett, Irish Chancery.
Llo. & G. t. S. Lloyd and Goold's Reports, tempore Sugden, Irish Chancery.
Llo. & W., Lloyd & W., or Llo. & W. Mer. Cas. Lloyd and Welsby's Mercantile Cases, English King's Bench.
Loc. cit. Loco citato, in the place cited.
Loc. Ct. Gaz. Local Courts and Municipal Gazette, Toronto, Ont.
Locc. de Jur. Mar. Loccenius, de Jure Maritimo et Navali.
Lock. Rev. Ca. or Lock. Rev. Cas. Lockwood's Reversed Cases, New York.
Locus Standi. Locus Standi Reports, English.
Lofft. Lofft's Reports, English King's Bench.
Lofft, Append. Lofft's Maxims, appended to Lofft's Reports.
Log. Comp. Logan's Compendium of English, Scotch, and Ancient Roman Law.
Lois des Batim. Lois des Batiments.
Lom. C. H. Rep. Lomas's City Hall Reporter, New York.
Lom. Dig. Lomax's Digest of the Law of Real Property in the U. S.
Lond. London Encyclopedia.
Lond. Jur. London Jurist, Reports in all the Courts.
Lond. Jur. N. S. London Jurist, New Series.
Lond. L. Mag. London Law Magazine.
Long Q. or Long Quint. Long Quinto (Year Books, Part X).
Longf. & T. or Long. & Town. Longfield & Townsend's Irish Exchequer Reports.
Lor. Inst. Lorimer's Institutes.
Lor. & Russ. Loring & Russell, Election Cases, Massachusetts.
Lords Jour. Journal of the House of Lords.
Lorenz (Ceylon). Lorenz's Ceylon Reports.
Loring & Russell. Loring & Russell's Massachusetts Election Cases.
Lou. or Louis. Louisiana (see La.).
Louis. Code. Civil Code of Louisiana.
Love. Wills. Lovelass on Wills.
Lov. or Lov. Dis. Lowell's Decisions, U. S. Dist. of Massachusetts.
Low. Can. or Low. Can. R. Lower Canada Reports.
Low. Can. Jur. Lower Canada Jurist, Montreal.
Low. Can. L. J. Lower Canada Law Journal.
Low. Can. Repts. Lower Canada Reports.
Low. C. Seign. or Low. Can. Seign. Lower Canada Seigniorial Reports.

- Lowell.* Lowell's United States District Court Reports.
- Lown. Av.* Lowndes on Average.
- Lown. Col.* Lowndes on Collisions at Sea.
- Lown. Leg.* Lowndes on Legacies.
- Lown. M. & P.* Lowndes, Maxwell and Pollock's Bail Court Reports, English.
- Lown. & M.* Lowndes and Maxwell's Bail Court Reports, English.
- Lube Eq.* Lube on Equity Pleading.
- Luc. or Lucas.* Lucas's Reports, Part X Modern Reports.
- Lud. El. Cas.* Luder's Election Cases, English.
- Ludd. or Ludden.* Ludden's Reports, vols. 43, 44 Maine.
- Lum. Cas. or Lum. P. L. Cas.* Lumley's Poor Law Cases.
- Lum. Parl. Pr.* Lumley's Parliamentary Practice.
- Lum. Set.* Lumley on Settlements and Removal.
- Lumpkin.* Lumpkin's Reports, vols. 59-77 Georgia.
- Lush. or Lush. Adm.* Lushington's Admiralty Reports, English.
- Lush. P. L.* Lushington on Prize Law.
- Lush Pr.* Lush's Common Law Practice.
- Lut.* Lutwyche's Reports, English Common Pleas.
- Lut. Elec. Cas.* Lutwyche's Election Cases, English.
- Lut. Ent.* Lutwyche's Entries.
- Lut. R. C.* Lutwyche's English Registration Appeal Cases.
- Lutw. E.* Lutwyche's English Common Pleas Reports.
- Luz. I. J.* Luzerne Law Journal.
- Luz. L. T.* Luzerne Law Times.
- Luz. Leg. Ob.* Luzerne Legal Observer, Carbon-dale, Pa.
- Luz. Leg. Reg.* Luzerne Legal Register, Wilkes-barre, Pa.
- Lynd. Prov.* Lyndwood's Provinciales.
- Lyne.* Lyne's Reports, Irish Chancery.
- M.* Massachusetts; — Maryland; — Maine; — Michigan; — Minnesota; — Mississippi; — Missouri; — Montana; — Queen Mary; thus *M.* signifies the first year of the reign of Queen Mary; — Michaelmas Term. Mortgage; — Morison's Dictionary of Decisions, Scotch Court of Session; — Session Cases, 3d Series, Scotland (Macpherson); — See *Mc.*
- M. A.* Missouri Appeals.
- M. Cas.* Magistrates' Cases.
- M. C. C.* Moody's English Crown Cases, Reserved.
- M. D. & D.* or *M. D. & De G.* Montague, Deacon and DeGex's Reports, English Bankruptcy.
- M. G. & S.* Manning, Granger and Scott's Reports, English Common Pleas, Common Bench Reports, vols. 1-8.
- M. L.* Mercian Law.
- M. L. J.* Memphis Law Journal, Tennessee.
- M. L. R.* Maryland Law Record, Baltimore.
- M. M. R.* Mitchell's Maritime Register, London.
- M. P. C.* Moore's Privy Council Cases, English.
- M. R.* Master of the Rolls.
- M. St.* More's Notes on Stair's Institutes.
- M. T.* Michaelmas Term.
- M. & A.* or *M. & Ayr.* Montagu & Ayrton's English Bankruptcy Reports.
- M. & B.* Montagu and Bligh's Reports, English Bankruptcy.
- M. & C.* Mylne & Craig's English Chancery Reports; — Montagu & Chitty's English Bankruptcy Reports.
- M. & C. Bankr. or M. & Cht. Bankr.* Montagu and Chitty's Bankruptcy Reports, English.
- M. & G.* Manning & Granger's English Common Pleas Reports; — Maddock & Geldart's English Chancery Reports, vol. 6 Maddock's Reports.
- M. & Gel.* Maddock & Geldart's English Chancery Reports, vol. 6 Maddock's Reports.
- M. & Gord.* Macnaghten & Gordon's English Chancery Reports.
- M. & H.* Murphy and Hurlstone's Exchequer Reports.
- M. & K.* Mylne and Keen's Reports, English Chancery.
- M. & M.* Moody and Malkin's Reports, English Nisi Prius.
- M. & McA.* Montague and McArthur's Reports, English Bankruptcy.
- M. & P.* Moore and Payne's Reports, English Common Pleas and Exchequer.
- M. & R.* Manning & Ryland's English King's Bench Reports; — Moody & Robinson's English Nisi Prius Reports; — Maclean & Robinson's Scotch Appeal Cases.
- M. & R. M. C.* Manning and Ryland's Magistrate Cases, English King's Bench.
- M. & Rob.* Moody and Robinson's Nisi Prius Cases, English Courts.
- M. & S.* Maule & Selwyn's English King's Bench Reports; — Moore & Scott's English Common Pleas Reports; — Manning & Scott's Reports, vol. 9 Common Bench.
- M. & Scott.* Moore and Scott's Reports, English Common Pleas.
- M. & W.* Meeson and Welsby's Reports, English Exchequer.
- M. & Y.* Martin and Yerger's Reports, Tennessee.
- Mac.* Macnaghten's English Chancery Reports.
- MacAr.* MacArthur's District of Columbia Reports; — MacArthur's Patent Cases.
- MacAr. Pat. Cas.* MacArthur's Patent Cases.
- MacAr. & M.* or *MacAr. & Mackey.* MacArthur and Mackey, Reports of District of Columbia Supreme Court.
- MacArth. or MacArthur.* MacArthur's District of Columbia Reports; — MacArthur's Patent Cases.
- MacArth. Pat. Cas.* MacArthur, Patent Cases, District of Columbia.
- Mac. N. Z.* Macassey's New Zealand Reports.
- Mac. Pat. Cas.* Macrory's Patent Cases.
- Mac. & G.* Macnaghten & Gordon's English Chancery Reports.
- Mac. & Rob.* Maclean & Robinson's Scotch Appeal Cases.
- Macas.* Macassey's Reports, New Zealand.
- Macc. Cas.* Maccolla's Breach of Promise Cases.
- Macc.* Macclesfield's Reports, 10 Modern Reports.
- Macc. Tr.* Macclesfield's Trial (Impeachment), London, 1725.
- Maccles.* Macclesfield's Reports (10 Modern).
- Macd. Jam.* Macdougall's Jamaica Reports.
- Macf. or Macfar.* Macfarlane's Reports, Jury Courts, Scotland.
- Macf. Pr.* Macfarlane's Practice of the Court of Session.
- Mack. C. L.* Mackeldey on Civil Law.
- Mack. Cr. L.* Mackenzie on the Criminal Law of Scotland.
- Mack. Inst.* Mackenzie's Institutes of the Law of Scotland.
- Mack. Obs.* Mackenzie's Observations on Acts of Parliament.
- Mack. Rom. L.* Mackenzie's Studies in Roman Law.
- Mackeld.* Mackeldey on Modern Civil Law; — Mackeldey on Roman Law.
- Mackeld. Civil Law.* Mackeldey on Modern Civil Law.
- Mackeld. Rom. Law.* Mackeldey on Roman Law.
- Mackey.* Mackey's Supreme Court Reports, District of Columbia.
- Mac.* McLean's United States Circuit Court Reports; — MacLaurin's Scotch Criminal Decisions.
- Mac. Dec.* MacLaurin's Decisions, Scotch Courts.
- Mac. Sh.* MacLachlan on Merchant Shipping.
- Mac. & R.* Maclean and Robinson's Scotch Appeals.
- Macn.* Macnaghten's Select Cases in Chancery *tempore* King; — W. H. Macnaghten's Reports, India.
- Macn. C. M.* Macnaghten on Courts Martial.
- Macn. F. or Macn. (Fr.).* Sir Francis Macnaghten's Bengal Reports.
- Macn. N. A. Beng.* Macnaghten's Nizamut Adawlut Reports, Bengal.
- Macn. Nul.* Macnamara on Nullities and Irregularities in the Practice of the Law.
- Macn. S. D. A. Beng.* (W. H.) Macnaghten's Sudder Dewanny Adawlut Reports, Bengal.
- Macn. & G.* Macnaghten and Gordon's Reports, English Chancery.
- Macomb C. M.* Macomb on Courts Martial.

- Macph.* Macpherson, Lee & Bell's (Third Series) Scotch Court of Session Cases.
- Macph. Inf.* Macpherson on Infancy.
- Macph. Jud. Com.* Macpherson, Practice of the Judicial Committee of the Privy Council.
- Macph. Priv. Coun.* Macpherson's Privy Council Practice.
- Macq.* Macqueen's Scotch Appeal Cases (House of Lords).
- Macq. Deb.* Macqueen's Debates on Life Peerage Question.
- Macq. H. L. Cas.* Macqueen's Scotch Appeal Cases (House of Lords).
- Macq. H. & W.* Macqueen on Husband and Wife.
- Macq. M. & D.* Macqueen on Marriage and Divorce.
- Macr. P. Cas.* Macrory's Patent Cases.
- Macr. & H.* Macrae and Hertslet's Insolvency Cases.
- MacSw. Mines.* MacSwinney, Law of Mines, Quarries, and Minerals.
- Mad.* Maddock's English Chancery Reports;—Maddox's Reports, vols. 9-19 Montana.
- Mad. Ech.* Maddox's History of the Exchequer.
- Mad. Form.* Maddox's Formulæ Anglicarum.
- Mad. H. C. or Mad. H. Ct. Rep.* Madras High Court Reports.
- Mad. Jur.* Madras Jurist, India.
- Mad. Papers.* Madison's (James) Papers.
- Mad. S. D. A. R. or Mad. S. D. R.* Madras Sudder Dewanny Adawlut Reports.
- Mad. Sel. or Mad. Sel. Dec.* Madras Select Decrees.
- Mad. Ser.* Madras Series (East) India Law Reports.
- Mad. & B.* Maddox & Bach's Reports, vol. 19 Montana.
- Mad. & Gel.* Maddock & Geldart's English Chancery Reports, vol. 6 Maddock's Reports.
- Madd.* Maddock's English Chancery Reports;—Maddox's Reports, vols. 9-18 Montana.
- Madd. Ch. Pr.* Maddock's Chancery Practice.
- Madd. & G.* Maddock and Geldart's Reports, English Chancery (vol. 6, Maddock's Reports).
- Mag.* The Magistrate, London.
- Mag. Cas.* Magistrates's Cases, especially the series edited by Bittleston, Wise, & Parnell.
- Mag. Char.* Magna Carta or Charta. See Barrington's Revised Statutes of England, 1870, vol. 1, p. 84, and Coke's Second Institute, vol. 1, first 78 pages.
- Mag. Dig.* Magrath's South Carolina Digest.
- Mag. Ins.* Magen on Insurance.
- Mag. (Md.).* Magruder's Reports, Maryland, vols. 1-2.
- Mag. Rot.* Magus Rotulus (the Great Roll of the Exchequer).
- Mag. & M. & P. L.* Magistrate and Municipal and Parochial Lawyer.
- Magr. or Magruder.* Magruder's Reports, vols. 1, 2 Maryland.
- Maine.* Maine Reports.
- Maine Anc. L. or Maine Anc. Law.* Maine on Ancient Law.
- Maine, Popular Govt.* Maine, Popular Government.
- Maine Vil. Com.* Maine on Village Communities.
- Maitland.* Maitland's Manuscript Scotch Session Cases.
- Mal.* Malyne's Lex Mercatoria.
- Mall. Ent.* Mallory's Modern Entries.
- Malloy.* Malloy's Irish Chancery Reports.
- Malone.* Editor, vols. 6, 9, and 10, Heiskell's Tennessee Reports.
- Man.* Manning's Reports (English Court of Revision);—Manitoba;—Manning's Reports, vol. 1 Michigan;—Manuscript;—Manson's English Bankruptcy Cases.
- Man. Cas.* Manumission Cases in New Jersey, by Bloomfield.
- Man. El. Cas.* Manning's English Election Cases (Court of Revision).
- Man. Ech. Pr.* Manning's Exchequer Practice.
- Man. Gr. & S.* Manning, Granger and Scott's Reports, English Common Pleas.
- Man. Int. Law.* Manning, Commentaries on the Law of Nations.
- Man. L. R.* Manitoba Law Reports.
- Man. & G.* Manning and Granger's Reports, English Common Pleas.
- Man. & R. or Man. & Ry.* Manning and Ryland's Reports, English King's Bench.
- Man. & R. Mag. Cas. or Man. & Ry. Mag. Cas.* Manning and Ryland's Magistrate Cases, English King's Bench.
- Man. & S.* Manning & Scott's Reports, vol. 9 Common Bench.
- Manb. Coke.* Manby's Abridgment of Coke's Reports.
- Manitoba.* Armour's Queen's Bench and County Court Reports *tempore* Wood, Manitoba;—Manitoba Law Reports.
- Manl. Fines.* Manley on Fines.
- Mann.* Manning's Reports, Michigan Reports, vol. 1.
- Mann. Com.* Manning's Commentaries on the Law of Nations.
- Manning.* Manning's Unreported Cases;—Louisiana;—Manning's Reports, vol. 1 Michigan.
- Manning, La.* Unreported Cases, Louisiana.
- Mans.* Mansfield's Reports, vols. 49-52 Arkansas;—Manson, English Bankruptcy Cases.
- Manson.* Manson's English Bankruptcy Cases.
- Manum. Cas. or Manum. Cases.* Manumission Cases, New Jersey (Bloomfield's).
- Manw. or Manw. For. Laws.* Manwood's Forest Laws.
- Mar.* March's English King's Bench Reports;—Marshall's United States Circuit Court Reports;—Marshall's Kentucky Reports;—Martin's Louisiana Reports;—Martin's North Carolina Reports;—Marshall's Reports, Bengal;—Maryland;—Maritime.
- Mar. Br.* March's Translation of Brook's New Cases.
- Mar. L. C. or Mar. L. Cas. or Mar. L. Rep.* Maritime Law Cases (Crockford's), English.
- Mar. L. C. N. S. or Mar. L. Cas. N. S. or Mar. L. Rep. N. S.* Maritime Law Reports, New Series (Aspinall's), English.
- Mar. La.* Martin's Louisiana Reports.
- Mar. N. C.* Martin's North Carolina Reports.
- Mar. N. S.* Martin's Louisiana Reports, New Series.
- Mar. R.* English Maritime Law Reports.
- Mar. Rec. B.* Martin's Recital Book.
- Mar. Reg.* Mitchell's Maritime Register, London.
- March.* March's Translation of Brooke's New Cases, King's Bench.
- March N. C.* March's New Cases, English King's Bench.
- Marine Ct. R.* Marine Court Reporter (McAdam's), New York.
- Mark. El.* Markley's Elements of Law.
- Marks & Sayre.* Marks & Sayre's Reports, vol. 108 Alabama.
- Marr.* Marriott's English Admiralty Decisions;—Marrack's European Assurance Cases.
- Marr. Adm.* Marriott's Reports, English Admiralty.
- Mars.* Marsden's English Admiralty Reports.
- Marsh.* Marshall's United States Circuit Court Decisions;—Marshall's English Common Pleas Reports;—Marshall's Bengal Reports;—Marshall, Kentucky;—Marshall's Reports, vol. 4 Utah.
- Marsh. (A. K.).* A. K. Marshall's Kentucky Reports.
- Marsh. Beng.* Marshall's Reports, Bengal.
- Marsh. C. P.* Marshall's English Common Pleas Reports.
- Marsh. Calc.* Marshall's Reports, Calcutta.
- Marsh. Ceylon.* Marshall's Ceylon Reports.
- Marsh. Dec.* Marshall's United States Circuit Court Decisions (Brockenbrough);—Marshall on the Federal Constitution.
- Marsh. Ins.* Marshall on Insurance.
- Marsh. J. J.* J. J. Marshall's Reports, Kentucky.
- Marsh. (Ky.) or Marsh. A. K.* A. K. Marshall's Reports, Kentucky.
- Marsh. Op.* Marshall's (Chief Justice) Constitutional Opinions.
- Mart. or Mart. (La.).* Martin's Reports, Louisiana;—(see Martin).

- Mart. Cond. La.* Martin's Condensed Louisiana Reports.
- Mart. Dec.* United States Decisions in Martin's North Carolina Reports.
- Mart. (Ga.).* Martin's Reports, Georgia.
- Mart. (Ind.).* Martin's Reports, Indiana.
- Mart. (La.).* Martin's Louisiana Reports.
- Mart. Law Nat.* Martin's Law of Nations.
- Mart. (N. C.).* Martin's Reports, North Carolina.
- Mart. N. S. or Mart. (La.) N. S.* Martin's Reports, New Series, Louisiana.
- Mart. O. S. (La.).* Martin's Louisiana Reports, Old Series.
- Mart. U. S. C. C.* Martin's United States Circuit Court Reports.
- Mart. & Y. or Mart. & Yeag.* Martin and Yeager's Reports, Tennessee.
- Marth. W. Ca.* Martha Washington Case, see *United States v. Cole*, 5 McLean, 513, Fed. Cas. No. 14,832.
- Martin.* Martin's Louisiana Reports;—Martin's North Carolina Reports;—Martin's Reports, vols. 21-30 Georgia;—Martin's Reports, vols. 51-70 Indiana.
- Martin Index.* Martin's Index to Virginia Reports.
- Marv. Marvel's* Reports, Delaware.
- Marv. Av.* Marvin on General Average.
- Marv. Leg. Bibl.* Marvin's Legal Bibliography.
- Marv. Salv. or Marv. Wr. & S.* Marvin on Wreck and Salvage.
- Maryland.* Maryland Reports.
- Mas. or Mason (U. S.).* Mason's United States Circuit Court Reports.
- Mass.* Massachusetts;—Massachusetts Reports.
- Mass. Dr. Com.* Masse's Le Droit Commercial.
- Mass. Elec. Ca.* Massachusetts Election Cases.
- Mass. L. R.* Massachusetts Law Reporter, Boston.
- Massey v. Headford.* An Irish Criminal Conversation Case, 1804. Originally printed in Ireland and reprinted both in New York and Philadelphia.
- Mast.* Master's Reports, vols. 25-28 Canada Supreme Court.
- Mat.* Matthews.
- Mat. Par. or Paris.* Matthew Paris, *Historia Minor*.
- Math. Ev.* Matthews on Presumptive Evidence.
- Mathews.* Mathews's Reports, vols. 6-9 West Virginia.
- Mats. or Matson.* Matson's Reports, vols. 22-24 Connecticut.
- Matth. (W. Va.).* Matthews's Reports, West Virginia Reports, vol. 6.
- Matth. Com.* Matthews's Guide to Commissions in Chancery.
- Matth. Dig.* Matthews's Digest.
- Matthews.* Matthews's Reports, vol. 75 Virginia.
- Mau. & Pol. Sh.* Maude and Pollock's Law of Shipping.
- Mau. & Sel.* Maule & Selwyn's Reports, English King's Bench.
- Maude & P. Mer. Shipp.* Maude & Pollock's Law of Merchant Shipping.
- Maude & P. Shipp.* Maude & Pollock's Law of Merchant Shipping.
- Maug. Lit. Pr.* Maughan on Literary Property.
- Maule & Sel. or Maule & S.* Maule & Selwyn's English King's Bench Reports.
- Maur. Dec.* Mauritius Decisions.
- Mar.* Maxims.
- Max. Dig.* Maxwell's Nebraska Digest.
- Maxw. Int. Sts. or Maxw. Intep. St.* Maxwell on the Interpretation of Statutes.
- May Const. Hist.* May's Constitutional History of England.
- May Crim. L.* May's Criminal Law.
- May Fr. Conv.* May on Fraudulent Conveyances.
- May Hist.* May's Constitutional History of England.
- May Ins.* May on Insurance.
- May. Merg.* Mayhew on Merger.
- May P. L. or May, Parl. Law.* May's Parliamentary Law.
- May, Parl. Pr.* May's Parliamentary Practice.
- Maymo Inst.* Maymo's *Romani et Hispani Juris Institutiones*.
- Mayn.* Maynard's Reports, Edward II. (Year Books, Part I).
- Mayne Dam.* Mayne on Damages.
- Mayo Just.* Mayo's Justice.
- Mayo & Moul.* Mayo and Moulton's Pension Laws.
- McAl. or McAll.* McAllister's United States Circuit Court Reports.
- McArth.* McArthur's Reports, Dist. of Columbia.
- McArth. C. M.* McArthur on Courts Martial.
- McBride.* McBride's Reports, vol. 1 Missouri.
- McCah. or McCahon.* McCahon's Reports, Supreme Court of Kansas and U. S. Courts, Dist. of Kansas.
- McCall Pr.* McCall's Precedents.
- McCar. or McCart.* McCarter's New Jersey Equity Reports, vols. 14, 15;—McCarty's New York Civil Procedure Reports.
- McCle.* McClelland's English Exchequer Reports.
- McCl. & Y.* McClelland & Younge's English Exchequer Reports.
- McClain Cas. Car.* McClain's Cases on Carriers.
- McClel.* McClelland's Reports, English Exchequer.
- McClel. Pro. Pr.* McClellan's Probate Practice.
- McClel. & Y.* McClelland and Younge's Reports, English Exchequer.
- McCook.* McCook's Reports, vol. 1 Ohio State.
- McCord.* McCord's Law Reports, South Carolina.
- McCord Ch. or McCord Eq.* McCord's Equity Reports, South Carolina.
- McCork. or McCorkle.* McCorkle's Reports, North Carolina, vol. 65.
- McCr.* McCrary's United States Circuit Court Reports.
- McCr. Elect.* McCrary's American Law of Elections.
- McCrary.* McCrary, United States Circuit Court Reports.
- McCul. Dict.* McCullough's Commercial Dictionary.
- McCul. Pol. Econ.* McCulloch, Political Economy.
- McCull. Dict.* McCullough's Commercial Dictionary.
- McDevitt.* McDevitt's Land Commissioner's Reports, Ireland.
- McDon. Inst.* McDonall's Institutes of the Law of Scotland.
- McFar.* McFarlane's Reports (Scotch Jury Court).
- McGill or McGill Sc. Sess.* McGill's Manuscript Decisions Scotch Court of Session.
- McGl. or McGloin.* McGloin's Louisiana Reports.
- McKinn. Jus.* McKinney's Justice.
- McKinn. Phil. Ev.* McKinnon's Philosophy of Evidence.
- McL. or McLean.* McLean's United States Circuit Court Reports.
- McL. & R.* McLean & Robinson's Scotch Appeal Cases.
- McM. Com. Dec.* McMaster's Commercial Decisions.
- McMas. R. L.* McMaster's Railroad Law, New York.
- McMull. or McMull.* McMullan's South Carolina Law Reports.
- McMull. Eq. or McMull. Ch. or McMull. Eq.* McMullan's South Carolina Equity Reports.
- McNagh.* McNaghten (see Macn).
- McNagh. Elem.* McNaghten's Elements of Hindoo Law.
- McPherson.* McPherson, Lee, & Bell's (Third Series) Scotch Session Cases.
- McWillie.* McWillie's Reports, vols. 73-76 Mississippi.
- Md.* Maryland;—Maryland Reports;—Harris & McHenry's Maryland Reports.
- Md. Ch.* Maryland Chancery Decisions, by Johnson.
- Md. L. Rec.* Maryland Law Record, Baltimore.
- Md. L. Rep.* Maryland Law Reporter, Baltimore.
- Md. L. Rev.* Maryland Law Review.
- Mc. Maine.*—Maine Reports.
- Mcans.* Means's Kansas Reports.
- Mechem. Ag.* Mechem on Agency.
- Mech. Cas. Ag.* Mechem's Cases on Agency.
- Med. Jur.* Medical Jurisprudence.
- Med. L. J. or Med. Leg. J.* Medico Legal Journal, New York.

- Med. L. N.* Medico Legal News, New York.
Med. L. P. Medico Legal Papers, New York.
Medd. Meddaugh's Reports, vol. 13 Michigan.
Mees. & Ros. Meeson & Roscoe's English Exchequer Reports.
Mees. & W. or Mees. & Wels. Meeson & Welsby's English Exchequer Reports.
Meg. Megone's Company Case.
Meigs. Meigs's Reports, Tennessee.
Melw. Tr. Melville's Trial (Impeachment), London.
Mem. in Scacc. Memorandum or memoranda in the Exchequer.
Mem. L. J. Memphis Law Journal, Tennessee.
Menken. Menken's Reports, vol. 30 New York Civil Procedure Reports.
Menz. Menzies's Reports, Cape of Good Hope.
Mer. Merivale's Reports, English Chancery.
Merc. Cas. Mercantile Cases.
Merch. Dict. Merchant's Dictionary.
Meriv. Merivale's English Chancery Reports.
Merl. Quest. Merlin, Questions de Droit.
Merl. Répert. Merlin's *Répertoire de Jurisprudence*.
Met. or Metc. Metcalf's Massachusetts Reports;—Metcalf's Kentucky Reports;—Metcalf's Reports, vol. 3 Rhode Island.
Metc. Contr. Metcalf on Contracts.
Metc. (Ky.). Metcalf's Reports, Kentucky.
Metc. (Mass.). Metcalf's Reports, Massachusetts Reports, vols. 42-54.
Meth. Ch. Ca. or Meth. Ch. Cas. Report of Methodist Church Case.
Mich. Michigan;—Michigan Reports;—Michaelmas.
Mich. C. C. R. or Mich. Cir. Ct. Rep. Michigan Circuit Court Reporter, Marquette.
Mich. L. Michigan Lawyer, Detroit, Mich.
Mich. L. J. Michigan Law Journal, Detroit, Mich.
Mich. Lawyer. Michigan Lawyer, Detroit, Mich.
Mich. Leg. News. Michigan Legal News.
Mich. N. P. Michigan Nisi Prius Cases (Brown's).
Mich. Pol. Soc. Michigan Political Science Association.
Mich. Rev. St. Michigan Revised Statutes.
Mich. T. Michaelmas Term.
Mich. Vac. Michaelmas Vacation.
Middx. Sit. Middlesex Sittings at Nisi Prius.
Mill. Miles's Pennsylvania Reports;—Miller (see Mill.).
Miles. Miles's District Court Reports, City and County of Philadelphia, Pennsylvania.
Mill. Mill's South Carolina Constitutional Reports;—Miller's Reports, vols. 1-5 Louisiana;—Miller's Reports, vols. 3-18 Maryland;—Miller's Decisions, United States.
Mill. Civ. L. Miller's Civil Law.
Mill. Const. (S. C.). Mill's South Carolina Constitutional Reports.
Mill. Dec. or Mill. Dec. (U. S.). Miller's Decisions (Woolworth's Reports) United States Circuit Court;—Miller's Decisions United States Supreme Court Reports, Condensed (Continuation of Curties).
Mill. Ins. Miller's Elements of the Law of Insurance.
Mill. La. Miller's Reports, vols. 1-5 Louisiana.
Mill. Log. Mill's Logic.
Mill. Md. Miller's Reports, vols. 3-18 Maryland.
Mill. Op. Miller's Decisions, U. S. Circuit Court (Woolworth's Reports).
Mill. Part. Miller on Partition.
Mill. Pol. Ec. Mill's Political Economy.
Mill. & C. Bills. Miller and Collier on Bills of Sale.
Miller. Miller's Reports, vols. 1-5 Louisiana;—Miller's Reports, vols. 3-18 Maryland.
Mills Em. D. Mills on Eminent Domain.
Milw. or Milw. Eccl. Milward's Reports, Irish Pre-rogative, Ecclesiastical.
Min. Minor;—Minor's Alabama Reports.
Min. Dig. Minot's Digest, Massachusetts.
Min. Ev. Minutes of Evidence.
Min. Inst. Minor's Institutes Statute Law.
Minn. Minnesota;—Minnesota Reports.
Minn. Ct. Rep. Minnesota Court Reporter.
Minn. Law J. Minnesota Law Journal, St. Paul, Minn.
Minor. Minor's Alabama Reports;—Minor's Institutes.
Minshew. Minshew (John), "The Guide into the Tongues also the Exposition of the Terms of the Laws of this Land." (England.)
Mir. Jus. Horne's Mirror of Justices.
Mir. Parl. Mirror of Parliament, London.
Mir. Pat. Off. Mirror of the Patent Office, Washington, D. C.
Mirch. D. & S. Mirchall's Doctor and Student.
Mirr. Horne's Mirror of Justices.
Misc. R. or Miscel. Miscellaneous Reports, New York.
Miss. Mississippi;—Mississippi Reports;—Missouri.
Miss. Dec. Mississippi Decisions, Jackson.
Miss. St. Ca. or Miss. St. Cas. Mississippi State Cases.
Mister. Mister's Reports, vols. 17-32 Missouri Appeals.
Mitch. M. R. Mitchell's Maritime Register, London.
Mitf. Eq. Pl. Mitford on Equity Pleading.
Mitf. & Ty. Eq. Pl. Mitford and Tyler's Practice and Pleading in Equity.
M'Mul. Ch. (S. C.). M'Mullan's South Carolina Equity Reports.
M'Mul. L. (S. C.). M'Mullan's South Carolina Law Reports.
Mo. Missouri;—Missouri Reports;—Moore's English King's Bench Reports;—Moore's English Common Pleas Reports;—Moore's English Privy Council Reports;—Modern Reports, English;—English King's Bench, etc., (see Mod.);—Monthly;—Moore's Indian Appeal Cases;—J. B. Moore's Reports, English Common Pleas.
Mo. App. Missouri Appeal Reports.
Mo. App. Rep. Missouri Appellate Reporter.
Mo. Bar. Missouri Bar, Jefferson City.
Mo. (F.). Sir Francis Moore's English King's Bench Reports.
Mo. I. A. Moore's Indian Appeals.
Mo. (J. B.). J. B. Moore's English Common Pleas Reports.
Mo. Jur. Monthly Jurist, Bloomington, Ill.
Mo. Law Mag. Monthly Law Magazine, London.
Mo. Law Rep. Monthly Law Reporter, Boston.
Mo. Leg. Exam. Monthly Legal Examiner, New York.
Mo. P. C. Moore's English Privy Council Reports.
Mo. W. J. Monthly Western Jurist, Bloomington, Ill.
Mo. & P. Moore & Payne's English Common Pleas Reports.
Mo. & R. Moody & Robinson's English Nisi Prius Reports.
Mo. & S. Moore & Scott's English Common Pleas Reports.
Moak & Eng. Rep. Moak's English Reports.
Mo. or Mobl. Mobley, Contested Election Cases, U. S. House of Representatives, 1832-9.
Mod. Modern Reports, English King's Bench, etc.;—Modified.
Mod. Cas. L. & Eq. Modern Cases in Law and Equity (8 and 9 Modern Reports).
Mod. Cas. Modern Cases (6 Modern Reports).
Mod. Cas. per Far. or t. Holt. Modern Cases *tempore* Holt, by Farresley, vol. 7 Modern Reports.
Mod. Ent. Modern Entries.
Mod. Int. Modus Intrandi.
Mod. Rep. The Modern Reports, English King's Bench, etc.;—Modern Reports by Style (Style's King's Bench Reports).
Mol. or Moll. Molloy's Irish Chancery Reports.
Moly. Molyneux's Reports, English Courts, *temp.* Car. I.
Mol. de J. M. or Mol. de Jure Mar. Molloy de Jure Maritimo et Navali.
Mon. Montana;—T. B. Monroe's Kentucky Reports;—Ben Monroe's Kentucky Reports;—Monaghan's Unreported Cases Supreme Court of Pennsylvania.
Mon. Angl. Monasticon Anglicanum.
Mon. B. Ben Monroe's Reports, Kentucky.
Mon. (T. B.). T. B. Monroe's Kentucky Reports.

Monagh. or Monaghan. Monaghan's Unreported Cases, S. C. of Pennsylvania;—Monaghan's Reports, vols. 147-165 Pennsylvania.

Monr. Monroe (see *Mon.*);—T. B. Monroe's Reports, Kentucky.

Mont. Montana;—Montana Reports;—Montagu's English Bankruptcy Reports;—Montriou's Bengal Reports.

Mont. B. C. or Mont. Bank. Rep. Montagu's Reports, English Bankruptcy.

Mont. Cas. Montriou's Cases in Hindoo Law.

Mont. Co. L. R. Montgomery County Law Reporter, Pennsylvania.

Mont. Comp. Montagu on the Law of Composition.

Mont. Cond. Rep. Montreal Condensed Reports.

Mont. D. & De G. Montagu, Deacon and De Gex's Reports, English Bankruptcy.

Mont. Dig. or Mont. Eq. Pl. Montagu's Digest of Pleadings in Equity.

Mont. Ind. Monthly Index to Reporters (National Reporter System).

Mont. Inst. Montriou's Institutes of Jurisprudence.

Mont. L. R. Montreal Law Reports, Queen's Bench;—Montreal Law Reports, Superior Court.

Mont. L. R. Q. B. Montreal Law Reports, Queen's Bench.

Mont. L. R. S. C. or Mont. L. Rep. Super. Ct. Montreal Law Reports, Superior Court.

Mont. Set-Off. Montagu on Set-Off.

Mont. & A. or Mont. & Ayr. Montagu and Ayrton's Reports, English Bankruptcy.

Mont. & B. or Mont. & Bl. Montagu and Bligh's Reports, English Bankruptcy.

Mont. & C. Montagu and Chitty's Reports, English Bankruptcy.

Mont. & MacA. Montagu & MacArthur's English Bankruptcy Reports.

Montesq. or Montesq. Esprit des Loix. Montesquieu, Esprit des Loix.

Montg. Co. L. Rep. or Montg. Co. Law Rep'r (Pa.). Montgomery County Law Reporter.

Month. J. L. Monthly Journal of Law, Washington.

Montr. Montriou's Reports, Bengal;—Montriou's Supplement to Morton's Reports.

Montr. L. R. Montreal Law Reports.

Moo. Francis Moore's English King's Bench Reports. When a volume is given, it refers to J. B. Moore's Reports, English Common Pleas;—J. M. Moore's English Common Pleas Reports;—Moody's English Crown Cases.

Moo. A. Moore's Reports, English (1st Bosanquet & Puller's Reports, after page 470).

Moo. C. C. or Moo. C. Cas. or Moo. Cr. C. Moody's English Crown Cases Reserved.

Moo. C. P. J. B. Moore's Reports, English Common Pleas.

Moo. I. App. or Moo. Ind. App. Moore's Reports, English Privy Council, Indian Appeals.

Moo. J. B. J. B. Moore's Reports, English Common Pleas.

Moo. K. B. Moore's English King's Bench Reports.

Moo. P. C. or Moo. P. C. Cas. Moore's Privy Council Cases, Old and New Series.

Moo. P. C. Cas. N. S. Moore's Privy Council Cases, New Series, English.

Moo. Tr. Moore's Divorce Trials.

Moo. & M. or Moo. & Mal. Moody & Malkin's English Nisi Prius Reports.

Moo. & P. or Moo. & Pay. Moore and Payne's Reports, English Common Pleas.

Moo. & R. or Moo. & Rob. Moody and Robinson's Nisi Prius Cases, English Courts.

Moo. & Sc. Moore and Scott's Reports, English Common Pleas.

Mood. or Moody. Moody's English Crown Cases, Reserved.

Mood. & Malk. Moody & Malkin's English Nisi Prius Reports.

Mood. & R. or Mood. & Rob. Moody & Robinson's English Nisi Prius Reports.

Moody, Cr. Cas. Moody's English Crown Cases.

Moody & M. Moody & Mackin's English Nisi Prius Reports.

Moon. Moon's Reports, vols. 133-144 Indiana and vols. 6-14 Indiana Appeals.

Moore. Moore's English King's Bench Reports;—Moore's English Common Pleas Reports;—Moore's English Privy Council Reports;—Moore's Reports, vols. 28-34 Arkansas;—Moore's Reports, vol. 67 Alabama;—Moore's Reports, vols. 22-24 Texas.

Moore (A.). A. Moore's Reports in 1 Bosanquet & Puller, after page 470.

Moore (Ark.). Moore's Reports, Arkansas.

Moore C. P. Moore's English Common Pleas Reports.

Moore E. I. Moore's East Indian Appeals.

Moore G. C. Moore's Gorham Case (English Privy Council).

Moore K. B. Sir F. Moore's English King's Bench Reports.

Moore P. C. Moore's English Privy Council Reports.

Moore P. C. N. S. Moore's English Privy Council Reports, New Series.

Moore & P. Moore & Payne's English Common Pleas Reports.

Moore & S. Moore & Scott's English Common Pleas Reports.

Moore & W. or Moore & Walker. Moore and Walker's Reports, Texas, vols. 22-24.

Mor. Morison's Dictionary of Decisions in the Court of Session, Scotland;—Morris (see *Morr.*).

Mor. Dic. or Mor. Dict. Dec. Morison's Dictionary of Decisions, Scotch Court of Session.

Mor. Dig. Morley's Digest of the Indian Reports.

Mor. Ia. Morris' Iowa Reports.

Mor. Min. Rep. Morrison's Mining Reports.

Mor. Priv. Corp. Morawetz on Private Corporations.

Mor. St. Cas. Morris' Mississippi State Cases.

Mor. Supp. Supplement to Morison's Dictionary, Scotch Court of Session.

Mor. Syn. Morison's Synopsis, Scotch Session Cases.

Mor. Tran. Morrison's Transcript of United States Supreme Court Decisions.

More St. More's Notes on Stair's Institutes, Scotland.

Morg. Ch. A. & O. Morgan's Chancery Acts and Orders.

Morg. & W. L. J. Morgan and Williams's Law Journal, London.

Morl. Dig. Morley's East Indian Digest.

Morr. Morris's Iowa Reports (see, also, Morris and Mor.);—Morrow's Reports, vols. 23-36 Oregon;—Morrell's English Bankruptcy Reports.

Morr. (Bomb.). Morris's Reports, Bombay.

Morr. (Cal.). Morris's Reports, California.

Morr. Jam. (Jamaica). Morris's Jamaica Reports.

Morr. M. R. Morrison's Mining Reports, Chicago.

Morr. (Miss.). Morris's Reports, Mississippi.

Morr. Repl. Morris on Replevin.

Morr. St. Cas. Morris's State Cases, Mississippi.

Morr. Trans. Morrison's Transcript, United States Supreme Court Decisions.

Morrell. Morrell's Bankruptcy Cases.

Morris. Morris's Iowa Reports;—Morris's Reports, vol. 5 California;—Morris's Reports, vols. 43-48 Mississippi;—Morris's Jamaica Reports;—Morris's Bombay Reports;—Morris's Reports, vols. 80, 98 Alabama.

Morris & Har. Morris and Harrington's Sudder Dewanny Adawlut Reports, Bombay.

Morse Arb. & Aw. Morse on Arbitration and Award.

Morse Bk. Morse on Banks and Banking.

Morse Exch. Rep. Morse's Exchequer Reports, Canada.

Morse Tr. Morse's Famous Trials, Boston.

Mort. or Morton. Morton's Reports, Bengal.

Mos. Mosley's Reports, English Chancery.

Mos. Man. Moses on Mandamus.

Moult. Ch. or Mout. Ch. P. (N. Y.). Moulton's New York Chancery Practice.

- Moy. Ent.* Moyle's Book of Entries.
Moz. & W. or Mozley & Whiteley. Mozley & Whiteley's Law Dictionary.
MS. Manuscript, Manuscript Reports.
Mu. Corp. Ca. Withrow's Corporation Cases, vol. 2.
Mulford, Nation. Mulford, The Nation.
Mum. Jam. Mumford's Jamaica Reports.
Mumf. (Jamaica). Mumford's Jamaica Reports.
Mun. Municipal;—Munford's Virginia Reports.
Mumf. Munford's Reports, Virginia.
Munic. & P. L. Municipal and Parish Law Cases, English.
Mur. Murphey's North Carolina Reports;—Murray's Scotch Jury Court Reports;—Murray's Ceylon Reports;—Murray's New South Wales Reports.
Mur. U. S. Ct. Murray's Proceedings in the United States Courts.
Mur. & H. or Mur. & Hurl. Murphy and Hurlstone's Reports, English Exchequer.
Murph. Murphy's Reports, North Carolina.
Murr. Murray's Scotch Jury Trials;—Murray's Ceylon Reports;—Murray's New South Wales Reports.
Murr. Over. Cas. Murray's Overruled Cases.
Murray. Murray's Scotch Jury Court Reports.
Murray (Ceylon). Murray's Ceylon Reports.
Murray (New South Wales). Murray's New South Wales Reports.
Mut. or Mutukisna (Ceylon). Mutukisna's Ceylon Reports.
Myer Dig. Myer's Texas Digest.
Myer Fed. Dec. or Myers Fed. Dec. Myer's Federal Decisions.
Myl. & C. or Myl. & Cr. Mylne & Craig's English Chancery Reports.
Myl. & K. or Mylne & K. Mylne & Keen's English Chancery Reports.
Myr. or Myr. Prob. or Myrick (Cal.). Myrick's California Probate Court Reports.
N. Nebraska;—Nevada;—Northeastern Reporter (properly cited N. E.);—Northwestern Reporter (properly cited N. W.);—The Novels or New Constitutions.
N. A. Non allocatur.
N. B. New Brunswick Reports;—Nulla bona.
N. B. Eq. Ca. New Brunswick Equity Cases.
N. B. Eq. Rep. New Brunswick Equity Reports.
N. B. N. R. National Bankruptcy News and Reports.
N. B. R. National Bankruptcy Register, New York;—New Brunswick Reports.
N. B. Rep. New Brunswick Reports.
N. B. V. Ad. New Brunswick Vice Admiralty Reports.
N. Benl. New Benloe's Reports, English King's Bench, Edition of 1661.
N. C. North Carolina;—North Carolina Reports;—Notes of Cases (English, Ecclesiastical, and Maritime);—New Cases (Bingham's New Cases).
N. C. C. New Chancery Cases (Younge & Collyer).
N. C. Conf. North Carolina Conference Reports.
N. C. Ecc. Notes of Cases, English Ecclesiastical and Maritime Courts.
N. C. L. Rep. North Carolina Law Repository.
N. C. Law Repos. North Carolina Law Repository.
N. C. Str. Notes of Cases, by Strange, Madras.
N. C. T. Rep. or N. C. Term R. North Carolina Term Reports.
N. Car. North Carolina;—North Carolina Reports.
N. Chip. or N. Chip. (Vt.). N. Chipman's Vermont Reports.
N. D. North Dakota;—North Dakota Reports.
N. E. New England;—New edition;—Northeastern Reporter.
N. E. I. Non est inventus.
N. E. R. Northeastern Reporter (commonly cited N. E.);—New England Reporter.
N. E. Rep. Northeastern Reporter.
N. Eng. Rep. New England Reporter.
N. F. Newfoundland;—Newfoundland Reports.
N. H. New Hampshire;—New Hampshire Reports.
N. H. R. New Hampshire Reports.
N. H. & C. English Railway and Canal Cases, by Nicholl, Hare, Carrow, etc.
N. J. New Jersey;—New Jersey Reports.
N. J. Ch. or N. J. Eq. New Jersey Equity Reports.
N. J. L. J. New Jersey Law Journal, Somerville, N. J.
N. J. Law. New Jersey Law Reports.
N. L. Nelson's Lutwyche, English Common Pleas Reports.
N. L. L. New Library of Law and Equity, English;—New Library of Law, etc., Harrisburg, Pa.
N. M. New Mexico;—New Mexico Reports.
N. M. St. Bar Ass'n. New Mexico State Bar Association.
N. Mag. Ca. New Magistrates' Cases.
N. Mex. New Mexico Territorial Courts.
N. of Cas. Notes of Cases, English Ecclesiastical and Maritime Courts;—Notes of Cases at Madras (by Strange).
N. of Cas. Madras. Notes of Cases at Madras (by Strange).
N. P. Nisi Prius. Notary Public. Nova Placita.
New Practice.
N. P. C. Nisi Prius Cases.
N. P. R. Nisi Prius Reports.
N. R. New Reports (English, 1862-1865);—Bosanquet & Puller's New Reports;—Not Reported.
N. R. B. P. New Reports of Bosanquet & Puller.
N. S. New Series;—Nova Scotia;—Nova Scotia Reports.
N. S. Dec. Nova Scotia Decisions.
N. S. L. R. Nova Scotia Law Reports.
N. S. R. Nova Scotia Reports.
N. S. W. New South Wales Reports, Old and New Series.
N. S. W. Eq. Rep. New South Wales Equity Reports.
N. S. W. L. R. New South Wales Law Reports.
N. Sc. Dec. Nova Scotia Decisions.
N. T. Repts. New Term Reports, Q. B.
N. W. Law Rev. Northwestern Law Review, Chicago, Ill.
N. W. P. North West Provinces Reports, India.
N. W. R. or N. W. Rep. or N. W. Repr. Northwestern Reporter.
N. W. T. or N. W. T. Rep. Northwest Territories Reports, Canada.
N. Y. New York;—New York Court of Appeals Reports.
N. Y. Ann. Ca. New York Annotated Cases.
N. Y. App. Dec. New York Court of Appeals Decisions.
N. Y. Cas. Err. New York Cases in Error (Caines's Cases).
N. Y. Ch. Sent. New York Chancery Sentinel.
N. Y. City H. Rec. New York City Hall Recorder.
N. Y. Civ. Pr. Rep. New York Civil Procedure Reports.
N. Y. Code Report. or N. Y. Code Rept. New York Code Reporter.
N. Y. Code Reports, N. S. or N. Y. Code Repts. N. S. New York Code Reports, New Series.
N. Y. Cond. New York Condensed Reports.
N. Y. Cr. New York Criminal Reports.
N. Y. Cr. R. or N. Y. Cr. Rep. New York Criminal Reports.
N. Y. Ct. App. New York Court of Appeals.
N. Y. Daily L. Gaz. New York Daily Law Gazette.
N. Y. El. Cas. or N. Y. Elec. Cas. New York Contested Election Cases.
N. Y. Jud. Rep. New York Judicial Repository, New York (Bacon's).
N. Y. Jur. New York Jurist.
N. Y. L. J. New York Law Journal, New York City.
N. Y. Law Gaz. New York Law Gazette, New York City.
N. Y. Law Rev. New York Law Review, Ithaca, N. Y.
N. Y. Leg. N. New York Legal News.
N. Y. Leg. Obs. New York Legal Observer, New York City (Owen's).
N. Y. Leg. Reg. New York Legal Register, New York City.
N. Y. Misc. New York Miscellaneous Reports.
N. Y. M. L. R. New York Monthly Law Reports.
N. Y. Mo. Law Bull. New York Monthly Law Bulletin, New York City.

- N. Y. Mun. Gaz.* New York Municipal Gazette, New York City.
- N. Y. Op. Att.-Gen.* Sickels's Opinions of the Attorney-General of New York.
- N. Y. P. R.* New York Practice Reports.
- N. Y. Pr. Rep.* New York Practice Reports.
- N. Y. Rec.* New York Record.
- N. Y. Reg.* New York Daily Register, New York City.
- N. Y. Rep.* New York Court of Appeals Reports.
- N. Y. Reprtr.* New York Reporter (Gardenier's).
- N. Y. S.* New York Supplement;—New York State;—New York State Reporter.
- N. Y. Spec. Term R.* Howard's Practice Reports.
- N. Y. St. Rep.* New York State Reporter, 1886-1896.
- N. Y. Sup.* New York Supreme Court Reports;—New York Supplement, St. Paul, Minnesota.
- N. Y. Sup. Ct. or N. Y. Super. Ct.* New York Superior Court Reports.
- N. Y. Supp.* New York Supplement.
- N. Y. Supr. or N. Y. Supr. Ct. Repts.* New York Supreme Court Reports.
- N. Y. Supr. Ct. Repts. (T. & C.).* New York Supreme Court Reports, by Thompson and Cook.
- N. Y. T. R. or N. Y. Term R.* New York Term Reports (Caines's Reports).
- N. Y. Them.* New York Themis, New York City.
- N. Y. Trans.* New York Transcript, New York City.
- N. Y. Trans. N. S.* New York Transcript, New Series, New York City.
- N. Y. Week. Dig.* New York Weekly Digest, New York City.
- N. Z.* New Zealand;—New Zealand Reports.
- N. Z. App. Rep.* New Zealand Appeal Reports.
- N. Z. Col. L. J.* New Zealand Colonial Law Journal.
- N. Z. Jur.* New Zealand Jurist, Dunedin, N. Z.
- N. Z. Jur. N. S.* New Zealand Jurist, New Series.
- N. Z. Rep.* New Zealand Reports, Court of Appeals.
- N. & H.* Nott and Huntington's Reports, U. S. Court of Claims Reports, vols. 1-7.
- N. & Hop.* Nott and Hopkins's Reports, U. S. Court of Claims Reports, vols. 8-29.
- N. & M.* Neville and Manning's Reports, English King's Bench.
- N. & M. Mag.* Neville & Manning's English Magistrates' Cases.
- N. & Mc. or N. & McC.* Nott & McCord's South Carolina Reports.
- N. & P.* Neville & Perry's English King's Bench Reports.
- N. & P. Mag.* Neville & Perry's English Magistrates' Cases.
- Nal. St. P.* Nalton's Collection of State Papers.
- Nam. Dr. Com.* Namur's Cour de Droit Commercial.
- Nap.* Napier.
- Napt. or Napton.* Napton's Reports, vol. 4 Missouri.
- Narr. Mod.* Narrationes Modernæ, or Style's King's Bench Reports.
- Nas. Inst.* Nasmith's Institutes of English Law.
- Nat. B. C. or Nat. Bk. Cas.* National Bank Cases, American.
- Nat. B. R. or Nat. Bank. Reg.* National Bankruptcy Register Reports.
- Nat. Brev.* Natura Brevium.
- Nat. Corp. Rep.* National Corporation Reporter, Chicago.
- Nat. L. Rec.* National Law Record.
- Nat. L. Rep.* National Law Reporter.
- Nat. L. Rev.* National Law Review, Philadelphia.
- Nat. Reg.* National Register, Edited by Mead, 1816.
- Nat. Rept. Syst.* National Reporter System.
- Nat. Rev.* National Review, London.
- Nd.* Newfoundland Reports.
- Neal F. & F.* Neal's Feasts and Fasts.
- Neb.* Nebraska;—Nebraska Reports.
- Neg. Cas.* Bloomfield's Manumission or Negro Cases, New Jersey.
- Nel.* Nelson's English Chancery Reports.
- Nell (Ceylon).* Nell's Ceylon Reports.
- Nels.* Nelson's Reports, English Chancery.
- Nels. Abr.* Nelson's Abridgment of the Common Law.
- Nels. Fol. Rep.* Reports temp. Finch, Edited by Nelson.
- Nels. Lex Maner.* Nelson's Lex Manerium.
- Nels. Rights Cler.* Nelson's Rights of the Clergy.
- Nem. con.* Nemine contradicente.
- Nem. dis.* Nemine dissentiente.
- Nev. Nevada;*—Nevada Reports.
- Nev. & M. or Nev. & Man.* Nevile & Manning's English King's Bench Reports.
- Nev. & M. M. Cas.* Neville and Manning's Magistrate Cases, English.
- Nev. & M. R. & C. Cas.* Neville and McNamara's Railway and Canal Cases.
- Nev. & Mac. or Nev. & Macn.* Neville & Macnamara's English Railway and Canal Cases.
- Nev. & Man. Mag. Cas.* Neville & Manning's English Magistrate's Cases.
- Nev. & P.* Neville & Perry's English King's Bench Reports.
- Nev. & P. M. Cas. or Nev. & P. Mag. Cas.* Neville and Perry's Magistrate Cases, English.
- Ncw.* Newell, Illinois Appeal Reports.
- New Ann. Reg.* New Annual Register, London.
- New B. Eq. Ca.* New Brunswick Equity Cases.
- New B. Eq. Rep.* New Brunswick Equity Reports, vol. 1.
- New Benl.* New Benloe's Reports, English King's Bench, Edition of 1661.
- New Br.* New Brunswick Reports.
- New Cas.* New Cases (Bingham's New Cases).
- New Cas. Eq.* New Cases in Equity, vols. 8, 9 Modern Reports.
- New Eng. Hist.* New England Historical and Genealogical Register.
- New M. Cas. or New Mag. Cas.* New Magistrate Cases, English Courts (Bittleston, Wise & Parnell).
- New Nat. Brev.* New Natura Brevium.
- New Pr. Cas. or New Pr. Cases.* New Practice Cases, English Courts.
- New Rep.* New Reports in all the Courts, London;—Bosanquet & Puller's New Reports, vols. 4, 5 Bosanquet & Puller.
- New Sess. Cas.* Carrow, Hamerton and Allen's Reports, English Courts.
- New So. W.* New South Wales.
- New Term Rep.* New Term Reports;—Dowling & Ryland's King's Bench Reports.
- New York.* See N. Y.
- New York Supp.* New York Supplement.
- Newb. or Newb. Adm.* Newberry's United States District Court, Admiralty Reports.
- Newbyth.* Newbyth's Manuscript Decisions, Scotch Session Cases.
- Newell.* Newell's Reports, vols. 48-90 Illinois Appeals.
- Newf.* Newfoundland Reports.
- Newf. Sel. Cas.* Newfoundland Select Cases.
- Newl. Contr.* Newland on Contracts.
- Newm. Conv.* Newman on Conveyancing.
- Nich. Adult. Bast.* Nicholas on Adulterine Bastardy.
- Nich. H. & C. or Nicholl.* Nicholl, Hare and Carrow's English Railway and Canal Cases, vols. 1-2.
- Nicholson.* Nicholson's Manuscript Decisions, Scotch Session Cases.
- Nieb. Hist. Rom.* Niebuhr, Roman History.
- Nient Cul.* Nient culpable, Not guilty.
- Nil. Reg. or Niles Reg.* Niles's Weekly Register, Baltimore.
- Nisbet.* (Nisbet of) Dirleton's Scotch Session Cases.
- Niz. F.* Nixon's Forms.
- No. Ca. Ecc. & Mar. or No. Cas. Ecc. & M.* Notes of Cases in the English Ecclesiastical and Maritime Courts.
- No. East. Rep.* Northeastern Reporter (commonly cited N. E.).
- No. N.* Novæ Narrationes.
- No. West. Rep.* Northwestern Reporter (commonly cited N. W.).
- Nol. M. Cas. or Nol. Mag. or Nol. Just. or Nol. Sett. Cas.* Nolan's English Magistrates' Cases.
- Nol. Sett.* Nolan's Settlement Cases.

- Non. Cul.* Non culpabilis, Not guilty.
Nor. Fr. Norman French.
Nor. L. C. Inh. Norton's Leading Cases on Inheritance, India.
Norc. Norcross's Reports, vols. 23-24 Nevada.
Norr. Norris's Reports, vols. 82-96 Pennsylvania.
Norr. Peake. Norris's Peake's Law of Evidence.
North. Northington's Reports, English Chancery, Eden's Reports.
North. Co. Rep. Northampton County Reporter, Pennsylvania.
North W. L. J. Northwestern Law Journal.
North & G. North & Guthrie's Reports, vols. 68-80 Missouri Appeals.
Northam. Northampton Law Reporter, Pennsylvania.
Northum. Northumberland County Legal News, Pennsylvania.
Northw. Pr. Northwest Provinces, India.
Northw. Rep. or *Northwest. Rep.* Northwestern Reporter (commonly cited N. W.).
Not. Cas. Notes of Cases in the English Ecclesiastical and Maritime Courts;—Notes of Cases at Madras (Strange).
Not. Cas. Ecc. & M. Notes of Cases in the English Ecclesiastical and Maritime Courts.
Not. Cas. Madras. Notes of Cases at Madras (Strange).
Not. Dec. Notes of Decisions (Martin's North Carolina Reports).
Not. J. Notaries Journal.
Not. Op. Wilmot's Notes of Opinions and Judgments.
Notes of Ca. Notes of Cases, English.
Notes on U. S. Notes on United States Reports.
Nott Mech. L. L. Nott on the Mechanics' Lien Law.
Nott & H. Nott and Huntington's Reports, U. S. Court of Claims Reports, vols. 1-17.
Nott & Hop. Nott & Hopkins's United States Court of Claims Reports, vols. 8-29.
Nott & Hunt. Nott & Huntington's Reports, vols. 1-7 United States Court of Claims.
Nott & McC. Nott & McCord's South Carolina Reports.
Nott & McC. Nott and McCord's Reports, South Carolina.
Nouv. Den. Denizart Collection de Decisions Nouvelles.
Nouv. Rev. Nouvelle Revue de Droit Francais, Paris.
Nov. Novellæ. The Novels, or New Constitutions.
Nov. Rec. Novissimi Recopilacion de las Leyes de Espana.
Nov. Sc. Nova Scotia Supreme Court Reports.
Nov. Sc. Dec. Nova Scotia Decisions.
Nov. Sc. L. R. or *Nova Scotia L. Rep.* Nova Scotia Law Reports.
Noy. Noy's English King's Bench Reports.
Noy Max. Noy's Maxims.
Noyes Char U. Noyes on Charitable Uses.
Nye. Nye's Reports, vols. 18-21 Utah.
O. Ohio Reports;—Ontario;—Ontario Reports;—Oregon Reports;—Otto's United States Supreme Court Reports;—Ordonnance;—Ohio Reports. Otto's Reports, U. S. Supreme Court Reports, vols. 91-107.
O. B. Old Bailey;—Old Benloe;—Orlando Bridgman;—Session Papers of the Old Bailey.
O. B. S. Old Bailey's Sessions Papers.
O. B. & F. N. Z. Ollivier, Bell & Fitzgerald's New Zealand Reports.
O. Ben. or *O. Benl.* Old Benloe's Reports, English Common Pleas (Benloe, of Benloe and Dalison, Edition of 1689).
O. Bridg. Orlando Bridgman's English Common Pleas Reports;—Carter's Reports, *tempore* Bridgman's English Common Pleas.
O'Brien M. L. O'Brien's Military Law.
O. C. Orphans' Court;—Old Code (Louisiana Civil Code of 1808).
O. C. C. Ohio Circuit Court Reports.
O. C. C. N. S. Ohio Circuit Court Reports, New Series.
O. C. D. Ohio Circuit Decisions.
O. D. Ohio Decisions.
O. D. C. C. Ohio Decisions, Circuit Court (properly cited Ohio Circuit Decisions).
O. G. Official Gazette, U. S. Patent Office, Washington, D. C.
O. J. Act. Ontario Judicature Act.
O'Mal. & H. O'Malley and Hardcastle's Election Cases.
O. N. B. Old Natura Brevium.
O'Neal Neg. L. O'Neal's Negro Law of South Carolina.
O. R. Ontario Reports.
O. S. Ohio State Reports;—Old Series;—Old Series King's & Queen's Bench Reports, Ontario, (Upper Canada).
O. S. C. D. or *O. S. U.* Ohio Supreme Court Decisions, Unreported Cases.
O. St. Ohio State Reports.
O. S. & C. P. Dec. Ohio Superior and Common Pleas Decisions.
O. & T. Oyer and Terminer.
O'Brien. O'Brien's Upper Canada Reports.
O'Callaghan, New Neth. O'Callaghan's History of New Netherland.
Oct. Str. Octavo Strange, Select Cases on Evidence.
Odeneal. Odeneal's Reports, vols. 9-11 Oregon.
Off. Br. Officina Brevium.
Off. Ex. or *Off. Exec.* Wentworth's Office of Executors.
Off. Gaz. Pat. Off. Official Gazette, U. S. Patent Office, Washington, D. C.
Off. Min. Officer's Reports, Minnesota.
Officer. Officer's Reports, vols. 1-9 Minnesota.
Ogd. or Ogden. Ogden's Reports, vols. 12-15 Louisiana.
Ohio. Ohio;—Ohio Reports.
Ohio C. C. Ohio Circuit Court Reports.
Ohio L. J. Ohio Law Journal.
Ohio Leg. N. Ohio Legal News, Norwalk, Ohio.
Ohio N. P. Ohio Nisi Prius Reports.
Ohio Prob. Ohio Probate Court Reports.
Ohio R. Cond. Ohio Reports, Condensed.
Ohio St. Ohio State Reports.
Ohio Sup. & C. P. Dec. Ohio Superior and Common Pleas Decisions.
O'Keefe Ord. O'Keefe's Orders in Chancery, Ireland.
Oke Mag. Syn. Oke's Magisterial Synopsis.
Okl. Oklahoma Territorial Reports.
Ol. Con. Oliver's Conveyancing.
Ol. Prec. Oliver's Precedents.
Olc. or Olc. Adm. Olcott's Admiralty Reports, U. S. So. Dist. of N. Y.
Old Ben. Benloe in Benloe & Dalison, English Common Pleas Reports.
Old Nat. Brev. Old Natura Brevium.
Olliph. Olliphant on Law of Horses.
Oldr. Oldright's Reports, Nova Scotia.
Oliv. B. & L. Oliver, Beavan and Lefroy's Reports, English Railway and Canal Cases, vols. 5-7.
Oll. B. & F. or *Oll. B. & Fitz.* (New Zealand). Ollivier, Bell and Fitzgerald's New Zealand Reports.
Oll. Bell & Fitz. Sup. Ollivier, Bell and Fitzgerald (Supreme Ct. N. Z.).
O'Mal. & H. O'Malley & Hardcastle's English Election Cases.
Onsl. N. P. Onslow's Nisi Prius.
Ont. Ontario;—Ontario Reports.
Ont. App. R. or *Ont. App. Rep.* Ontario Appeal Reports, Canada.
Ont. El. Ca. Ontario Election Cases.
Ont. P. R. or *Ont. Pr.* or *Ont. Pr. Rep.* Ontario Practice Reports.
Op. Att. Gen. Opinions of the Attorneys General of the United States.
Op. Att.-Gen. N. Y. Opinions of the Attorney-Generals, New York (Sickels's Compilation).
Op. Att.-Gen. (U. S.). Opinions of the Attorney-Generals, United States.
Op. N. Y. Atty. Gen. Sickels's Opinions of Attorneys-General of New York.
Or. Oregon;—Oregon Reports.
Or. T. Rcp. Orleans Term Reports, vols. 1, 2 Martin, Louisiana.
Ord. Ord on Usury.
Ord. Amst. Ordinance of Amsterdam.

- Ord. Ant.* Ordinance of Antwerp.
Ord. Bilb. Ordinance of Bilbao.
Ord. Ch. Orders in Chancery.
Ord. Cla. Lord Clarendon's Orders.
Ord. Copenh. Ordinance of Copenhagen.
Ord. Ct. Orders of Court.
Ord. de la Mar. or Ord. Mar. Ordonnance de la Marine de Louis XIV.
Ord. Flor. Ordinances of Florence.
Ord. Gen. Ordinance of Genoa.
Ord. Hamb. Ordinance of Hamburg.
Ord. Königs. Ordinance of Königsberg.
Ord. Leg. Ordinances of Leghorn.
Ord. Port. Ordinances of Portugal.
Ord. Prus. Ordinances of Prussia.
Ord. Rott. Ordinances of Rotterdam.
Ord. Swed. Ordinances of Sweden.
Ord U. Ord on the Law of Usury.
Ordr. Jud. Ins. Ordonnances on Judicial Aspects of Insanity.
Ordr. Med. Jur. Ordonnances's Medical Jurisprudence.
Oreg. Oregon;—Oregon Reports.
Orf. M. L. Orfila's Medicine Legale.
Orl. Bridg. or Orl. Bridgman. Orlando Bridgman's Reports, English Common Pleas.
Ort. T. R. Orleans Term Reports, vols. 1 and 2, Martin's Reports, Louisiana.
Orm. or Ormond. Ormond's Reports, vols. 12-15 Alabama.
Ort. Inst. Ortolan's Institutes of Justinian.
Ort. R. L. Ortolan's History of Roman Law.
Ot. or Otto. Otto's United States Supreme Court Reports.
Ought. Oughton's Ordo Iudiciorum.
Out. Outerbridge's Reports, vols. 97-110 Pennsylvania State.
Over. or Overton. Overton's Tennessee Reports.
Ow. or Owen. Owen's English King's Bench and Common Pleas Reports;—New South Wales Reports.
Oxley Young's Vice-Admiralty Decisions, Nova Scotia, edited by Oxley.
P. Easter (Paschal) Term;—Pennsylvania;—Peters;—Pickering's Massachusetts Reports;—Probate;—Pacific Reporter.
P. 1891, or 1891 P. English Law Reports, Probate Division, from 1891 onward.
P. A. D. Peters's Admiralty Decisions.
P. C. Pleas of the Crown;—Parliamentary Cases;—Practice Cases;—Prize Cases;—Patent Cases;—Privy Council;—Prize Court;—Probate Court;—Precedents in Chancery;—Penal Code;—Political Code;—Procédure Civile.
P. C. Act. Probate Court Act.
P. C. App. Privy Council Appeals, English Law Reports.
P. C. C. Privy Cases;—Peters's Circuit Court Reports.
P. C. L. J. Pacific Coast Law Journal, San Francisco.
P. C. R. Parker's Criminal Reports, New York.
P. C. Rep. Privy Council Reports, English.
P. Cl. R. Parker's Criminal Reports, New York;—Privy Council Reports.
P. D. or P. Div. Probate Division, English Law Reports (1876-1890).
P. E. I. or P. E. I. Rep. Prince Edward Island Reports (Haviland's).
P. F. S. P. F. Smith's Reports, vols. 51-81½ Pennsylvania State.
P. Jr. & H. Patton, Jr., & Heath's Virginia Reports.
P. L. Pamphlet Laws. Public Laws. Poor Laws.
P. L. Com. Poor Law Commissioners.
P. L. J. Pennsylvania Law Journal;—Pittsburgh Legal Journal, Pa.
P. L. R. Pennsylvania Law Record, Philadelphia.
P. N. P. Peake's English Nisi Prius Cases.
P. O. Cas. Perry's Oriental Cases, Bombay.
P. O. G. Patent Office Gazette.
P. O. R. Patent Office Reports.
P. P. Parliamentary Papers.
P. P. A. P. Precedents of Private Acts of Parliament.
P. R. Parliamentary Reports;—Pennsylvania Reports, by Penrose & Watts;—Pacific Reporter;—Probate Reports;—Pyke's Reports, Canada.
P. R. C. P. Practical Register in Common Pleas.
P. R. Ch. Practical Register in Chancery.
P. R. U. C. Practice Reports, Upper Canada.
P. R. & D. Power, Rodwell and Dew's Election Cases, English.
P. S. C. U. S. Peters's United States Supreme Court Reports.
P. S. R. Pennsylvania State Reports.
P. W. or P. Wms. Peere Williams's Reports, English Chancery.
P. & B. Pugsley & Burbridge's Reports, New Brunswick.
P. & C. Pridaux & Cole's Reports, English Courts, vol. 4 New Session Cases.
P. & D. Perry & Davison's English Queen's Bench Reports;—Probate and Divorce.
P. & H. Patton, Jr., & Heath's Virginia Reports.
P. & K. Perry & Knapp's English Election Cases.
P. & M. Philip and Mary; thus 1 P. & M. signifies the first year of the reign of Philip & Mary;—Pollock and Maitland's History of English Law.
P. & R. Pigott and Rodwell's Election Cases, English.
P. & W. Penrose and Watt's Pennsylvania Reports.
Pa. Pennsylvania;—Pennsylvania Reports, by Penrose & Watts;—Pennsylvania State Reports;—Paine, United States.
Pa. Co. Ct. or Pa. Co. Ct. R. Pennsylvania County Court Reports.
Pa. Dist. or Pa. Dist. R. Pennsylvania District Court Reports.
Pa. L. G. or Pa. Leg. Gaz. Legal Gazette Reports (Campbell's), Pennsylvania.
Pa. L. J. Pennsylvania Law Journal Reports (Clark's);—Pennsylvania Law Journal, Philadelphia.
Pa. L. J. Rep. Pennsylvania Law Journal Reports (Clark's Reports).
Pa. L. Rec. or Pa. La. Rec. Pennsylvania Law Record, Philadelphia.
Pa. Law Jour. Pennsylvania Law Journal, Philadelphia.
Pa. Law Jour. Rep. Pennsylvania Law Journal Reports (Clark's).
Pa. Law Rec. Pennsylvania Law Record, Philadelphia.
Pa. Law Ser. Pennsylvania Law Series.
Pa. N. P. Brightly's Nisi Prius Reports, Pennsylvania.
Pa. Rep. Pennsylvania Reports.
Pa. St. Pennsylvania State Reports.
Pa. St. Tr. Pennsylvania State Trials (Hogan's).
Pa. Super. Ct. Pennsylvania Superior Court.
Pac. Pacific Reporter.
Pac. Coast L. J. Pacific Coast Law Journal, San Francisco.
Pac. Law Mag. Pacific Law Magazine, San Francisco.
Pac. Law Reprtr. Pacific Law Reporter, San Francisco.
Pac. R. or Pac. Rep. Pacific Reporter (commonly cited Pac. or P.).
Page Div. Page on Divorce.
Pai. Paine's United States Circuit Court Reports;—Paige's New York Chancery Reports.
Pai. Ch. or Paige Ch. Paige's New York Chancery Reports.
Paige Cas. Dom. Rel. Paige's Cases in Domestic Relations.
Paige Cas. Part. Paige's Cases in Partnership.
Paine or Paine C. C. Paine's United States Circuit Court Reports.
Pal. Ag. Paley on Agency.
Pal. Conv. Paley on Summary Convictions.
Paley, Prin. & Ag. Paley on Principal and Agent.
Palgrave. Palgrave's Proceedings in Chancery;—Palgrave's Rise and Progress of the English Commonwealth.
Palmer. Palmer's English King's Bench Reports;—Palmer's Reports, vols. 53-60 Vermont.
Palmer. Pr. Lords. Palmer's Practice in the House of Lords.

- Palm. (Vt.).* Palmer's Vermont Reports.
Pamph. Pamphlets.
Pand. Pandects.
Papy. Papy's Reports, vols. 5, 6 Florida.
Par. Paragraph;—Parker's English Exchequer Reports;—Parsons's Reports, vols. 65-66 New Hampshire;—Parker's New York Criminal Reports.
Par. Dec. Parsons's Decisions, Massachusetts.
Par. Eq. Cas. Parsons's Select Equity Cases, Pennsylvania.
Par. W. C. Parish Will Case.
Par. & Fonb. M. J. Paris and Fonblanque on Medical Jurisprudence.
Par. or Par. Droit Commer. Pardessus, Cours de Droit Commercial.
Par. Lois Mar. Pardessus's Lois Maritimes.
Par. Serv. Pardessus's Traité des Servitudes.
Pardessus. Pardessus, Cours de Droit Commercial; — Pardessus, Lois Maritimes; — Pardessus, Traité des Servitudes.
Park. Parker's New York Criminal Reports;—Parker's English Exchequer Reports.
Park. Cr. Cas. or Park. Cr. Rep. Parker's Criminal Reports, New York.
Park. Dig. Parker's California Digest.
Park. Dow. Park on Dower.
Park. Exch. Parker's English Exchequer Reports.
Park. Hist. Ch. Parker's History of Chancery.
Park. Ins. Park on Insurance.
Park. (N. H.). Parker's New Hampshire Reports.
Park. Pr. Ch. Parker's Practice in Chancery.
Park. Rev. Cas. Parker's English Exchequer Reports (Revenue Cases).
Park. Sh. Parker on Shipping and Insurance.
Parker. Parker's English Exchequer Reports;—Parker's New York Criminal Reports;—Parker's New Hampshire Reports.
Parker, Cr. Cas. or Parker, Cr. R. (N. Y.). Parker's New York Criminal Reports.
Parl. Cas. Parliamentary Cases. House of Lords.
Parl. Hist. Parliamentary History.
Parl. Reg. Parliamentary Register.
Paroch. Ant. Kennett's Parochial Antiquities.
Par. Parsons (see Par.).
Par. Ans. Parsons's Answer to the Fifth Part of Coke's Reports.
Par. Bills & N. Parsons on Bills and Notes.
Par. Cas. Parsons's Select Equity Cases, Pennsylvania.
Par. Com. Parsons's Commentaries on American Law.
Par. Con. or Par. Cont. Parsons on Contracts.
Par. Costs. Parsons on Costs.
Par. Dec. Parsons's Decisions, Massachusetts.
Par. Eq. Cas. Parsons's Select Equity Cases, Pennsylvania.
Par. Essays. Parsons's Essays on Legal Topics.
Par. Ins. Parsons on Marine Insurance.
Par. Law Bus. Parsons's Law of Business.
Par. Mar. Ins. Parsons on Marine Insurance.
Par. Mar. L. or Par. Mar. Law. Parsons on Maritime Law.
Par. Merc. L. Parsons on Mercantile Law.
Par. Notes & B. Parsons on Notes and Bills.
Par. Part. Parsons on Partnership.
Par. Sh. & Adm. Parsons on Shipping and Admiralty.
Par. Wills. Parsons on Wills.
Pas. Terminus Paschæ. Easter Term.
Pasch. Paschal's Reports, Texas.
Pasch. Ann. Const. Paschal's Annotated Constitution of the U. S.
Paschal. Paschal's Reports, vols. 28-31 Texas and Supplement to vol. 25.
Pat. Patent;—Paton's Scotch Appeal Cases;—Paterson's Scotch Appeal Cases;—Paterson's New South Wales Reports.
Pat. App. Cas. Paton's Scotch Appeal Cases (Craigie, Stewart & Paton);—Paterson's Scotch Appeal Cases.
Pat. Com. or Pat. Comp. Paterson's Compendium of English and Scotch Law.
Pat. Dec. Patent Decisions.
Pat. H. L. Sc. See *Pat. App. Cas.*
Pat. Law Rev. Patent Law Review, Washington, D. C.
Pat. Off. Gaz. Official Gazette, U. S. Patent Office, Washington, D. C.
Pat. St. Ex. Paterson's Law of Stock Exchange.
Pat. & H. Patton and Heath's Reports, Virginia.
Pat. & Mur. Paterson and Murray's Reports, New South Wales.
Pater. Paterson's Scotch Appeal Cases;—Paterson's New South Wales Reports.
Paters. App. Cas. Paterson's Scotch Appeal Cases.
Paters. Comp. Paterson's Compendium of English and Scotch Law.
Paters. St. Ex. Paterson's Law of Stock Exchange.
Paterson. Paterson's Compendium of English and Scotch Law;—Paterson on the Game Laws;—Paterson's Liberty of the Press;—Paterson on the Liberty of the Subject;—Paterson's Law and Usages of the Stock Exchange;—Paterson's Scotch Appeal Cases.
Paton. Craigie, Stewart, & Paton's Scotch Appeal Cases.
Patr. El. Cas. or Patr. Elect. Cas. Patrick's Election Cases, Upper Canada.
Patt. & H. or Patton & H. Patton, Jr., & Heath's Virginia Reports.
Paul Par. Off. Paul's Parish Officer.
Paulus. Julius Paulus, Sententiæ Receptæ.
Pay. Munc. Rights. Payne on Municipal Rights.
Pea. Peake's English Nisi Prius Reports.
Peach. Mar. Sett. Peachey on Marriage Settlements.
Peak. Peake's Nisi Prius Cases, English Courts.
Peak. Add. Cas. Peake's Additional Cases, Nisi Prius, English.
Peak. Ev. Peake on Evidence.
Peak. N. P. Cas. Peake's Nisi Prius Cases, English.
Peak. Add. Cas. Peake's Additional Cases, vol. 2 of Peake.
Peake N. P. Peake's English Nisi Prius Cases.
Pear. Pearson's Reports, Pennsylvania.
Pearce C. C. Pearce's Reports in Dearsly's Crown Cases, English.
Pears. Pearson's Reports, Pennsylvania.
Peck. Peck's Tennessee Reports;—Peck's Reports, vols. 11-30 Illinois;—Peckwell's English Election Cases.
Peck. El. Cas. Peckwell's Election Cases, English.
Peck. (Ill.). Peck's Reports, Illinois Supreme Court (11-33 Illinois).
Peck Mun. L. Peck's Municipal Laws of Ohio.
Peck (Tenn.). Peck's Tennessee Reports.
Peck Tr. Peck's Impeachment Trial.
Peckw. or Peckw. Eng. El. Cas. Peckwell's English Election Cases.
Peoples. Peebles's Reports, vols. 78, 79 Georgia.
Peebles & Stevens. Peebles & Stevens's Reports, vols. 80-87 Georgia.
Peere Wms. or Peere Williams. Peere Williams's Reports, English Chancery.
Pemb. J. & O. Pemberton's Judgments and Orders.
Pen. Pennington's Reports, New Jersey Law.
Pen. Code. Penal Code.
Pen. N. J. Pennington's New Jersey Reports.
Pen. & W. Penrose & Watts's Pennsylvania Reports.
Penn. Pennsylvania;—Pennsylvania State Reports;—Pennypacker's Unreported Pennsylvania Cases;—Pennington's New Jersey Reports;—Penne- will's Delaware Reports.
Penn. Bl. Pennsylvania Blackstone, by John Reed.
Penn. Co. Ct. Rep. Pennsylvania County Court Reports.
Penn. Del. Pennewill's Delaware Reports.
Penn. Dist. Rep. Pennsylvania District Reports.
Penn. L. G. Pennsylvania Legal Gazette Reports (Campbell's).
Penn. L. J. Pennsylvania Law Journal, Philadelphia.
Penn. L. J. R. Pennsylvania Law Journal Reports (Clark's).
Penn. Law Jour. Pennsylvania Law Journal, Pennsylvania.

- Penn. Law Jour. Rep.* Pennsylvania Law Journal Reports (Clark's).
- Penn. Law Rec.* Pennsylvania Law Record, Philadelphia.
- Penn. Leg. Gaz.* Pennsylvania Legal Gazette Reports (Campbell's).
- Penn. Pr.* Pennsylvania Practice, by Troubat and Haly.
- Penn. R. or Penn. Rep.* Pennsylvania Reports.
- Penn. St. or Penn. St. R.* Pennsylvania State Reports.
- Penna. L. R.* Pennsylvania Law Record, Philadelphia.
- Penning.* Pennington's Reports, New Jersey.
- Penny.* Pennypacker's Unreported Pennsylvania Cases;—Pennypacker's Pennsylvania Colonial Cases.
- Penr. & W.* Penrose and Watts's Pennsylvania Reports.
- Penrud. Anal.* Penruddock's Analysis of the Criminal Law.
- Peo. L. Adv.* People's Legal Adviser, Utica, N. Y.
- Per. Or. Cas.* Perry's Oriental Cases, Bombay.
- Per T. & T.* Perry on Trusts and Trustees.
- Per. & Dav.* Perry & Davison's English King's Bench Reports.
- Per. & K. El. Cas. or Per. & Kn.* Perry and Knapp's Election Cases, English.
- Perk.* Perkins on Conveyancing;—Perkins on Pleading;—Perkins's Profitable Book (Conveyancing).
- Perk. Prof. Bk.* Perkins's Profitable Book.
- Perp. Pat.* Perpigna on Patents.
- Perry.* Sir Erskine Perry's Reports, in Morley's (East) Indian Digest;—Perry's Oriental Cases, Bombay.
- Perry & D.* Perry & Davison's English King's Bench Reports.
- Perry & Kn.* Perry & Knapp's English Election Cases.
- Pet.* Peters's United States Supreme Court Reports;—Peters's United States Circuit Court Reports;—Peters's United States District Court Reports (Admiralty Decisions);—Peters's Prince Edward Island Reports.
- Pet. Ad. or Pet. Adm.* Peters's United States District Court Reports (Admiralty Decisions).
- Pet. Br. or Pet. Brooke.* Petit Brooke or Brooke's New Cases, English King's Bench (Bellew's Cases temp. Hen. VIII.).
- Pet. C. C.* Peters's United States Circuit Court Reports.
- Pet. Cond.* Peters's Condensed Reports, United States Supreme Court.
- Pet. Dig.* Peters's United States Digest;—Petitcolas's Texas Digest.
- Pet. S. C.* Peters's United States Supreme Court Reports.
- Peters.* Peters's Reports, U. S. Supreme Court.
- Peters Adm.* Peters's United States District Court Reports (Admiralty Decisions).
- Peters C. C.* Peters's Reports, U. S. Circuit Court, 3d Circuit.
- Petersd. Abr.* Petersdorff's Abridgment.
- Petersd. B.* Petersdorff on the Law of Bail.
- Petersd. L. of N.* Petersdorff on the Law of Nations.
- Petersd. Pr.* Petersdorff's Practice.
- Peth. Int.* Petheram on Interrogatories.
- Petit Br.* Petit Brooke, or Brooke's New Cases, English King's Bench.
- Ph.* Phillips's English Chancery Reports;—Phillimore's English Ecclesiastical Reports (see Phil.).
- Ph. Ch.* Phillips's English Chancery Reports.
- Ph. St. Tr.* Phillips's State Trials.
- Phal. C. C. or Phalen.* Phalen's Criminal Cases.
- Phear W.* Phear on Rights of Water.
- Pheney Rep.* Pheney's New Term Reports.
- Phil.* Phillips's English Chancery Reports;—Phillips's North Carolina Reports;—Phillips's English Election Cases;—Phillimore's English Ecclesiastical Reports;—Philadelphia Reports;—Phillips's Illinois Reports.
- Phil. Ecc. Judg.* Phillimore's Ecclesiastical Judgments.
- Phil. Ecc. R.* Phillimore's English Ecclesiastical Reports.
- Phil. El. Cas.* Phillips's English Election Cases.
- Phil. Eq.* Phillips's North Carolina Equity Reports.
- Phil. Ev.* Phillips on Evidence.
- Phil. Fam. Cas.* Phillips's Famous Cases in Circumstantial Evidence.
- Phil. Ins.* Phillips on Insurance.
- Phil. Law or Phil. N. C.* Phillips's North Carolina Law Reports.
- Phil. Pat.* Phillips on Patents.
- Phil. St. Tr.* Phillips's State Trials.
- Phila.* Philadelphia Reports, Common Pleas of Philadelphia County.
- Phila. Law Lib.* Philadelphia Law Library.
- Phila. (Pa.).* Philadelphia Reports, Common Pleas of Philadelphia County.
- Phillippine Co.* Phillippine Code.
- Phil. Phillimore's Reports,* English Ecclesiastical Courts;—Phillips (see Phil. and Phillips).
- Phil. Copyr.* Phillips on Copyright.
- Phil. Cr. L.* Phillimore's Study of the Criminal Law.
- Phil. Dom.* Phillimore on the Law of Domicil.
- Phil. Ecc.* Phillimore on Ecclesiastical Law.
- Phil. Ecc. Judg.* Phillimore's Ecclesiastical Judgments.
- Phil. El. Cas.* Phillips's Election Cases.
- Phil. Eq.* Phillips's Equity Reports, North Carolina.
- Phil. Ev.* Phillimore on Evidence;—Phillips on Evidence.
- Phil. Fam. Cas.* Phillips's Famous Cases in Circumstantial Evidence.
- Phil. Ins.* Phillips on Insurance.
- Phil. Insan.* Phillips on Insanity.
- Phil. Int.* Phillimore on International Law.
- Phil. Jur.* Phillimore on Jurisprudence.
- Phil. Law (N. C.).* Phillips's Law Reports, North Carolina.
- Phil. Mech. Liens.* Phillips on Mechanics' Liens.
- Phil. Prin. Jur.* Phillimore's Principles and Maxims of Jurisprudence.
- Phil. Priv. L.* Phillimore's Private Law among the Romans.
- Phil. Rom. L.* Phillimore's Study and History of the Roman Law.
- Phil. St. Tr.* Phillips's State Trials.
- Phillim.* Phillimore's English—Ecclesiastical Reports. See, also, Phil., Phil.
- Phillim. Dom.* Phillimore on the Law of Domicil.
- Phillim. Ecc. Law.* Phillimore's Ecclesiastical Law.
- Phillips.* Phillips's English Chancery Reports;—Phillips's North Carolina Reports, Law and Equity;—Phillips's Reports, vols. 152-187 Illinois.
- Pick.* Pickering's Reports, Massachusetts.
- Pickle.* Pickle's Reports, vols. 85-108 Tennessee.
- Pierce R. R.* Pierce on Railroads.
- Pig. Rec.* Pigott on Common Recoveries.
- Pig. & R.* Pigott and Rodwell's Registration Appeal Cases, English.
- Pike.* Pike's Reports, vols. 1-5 Arkansas.
- Pin. or Pinn.* Pinney's Wisconsin Reports.
- Pist. or Piston.* Piston's Reports, Mauritius.
- Pitc. Crim. Tr.* Pitcairn's Ancient Criminal Trials, Scotland.
- Pitc. Tr.* Pitcairn's Ancient Criminal Trials, Scotland.
- Pitm. Prin. & Sur.* Pitman on Principal and Surety.
- Pitm. S.* Pitman on Suretyship.
- Pitts. L. J. or Pitts. Leg. Jour.* Pittsburg Legal Journal, Pittsburg, Penn.
- Pitts. Rep. or Pitts. Repts.* Pittsburgh Reports, Pennsylvania Courts (reprinted from the Journal).
- Pittsb. Leg. J. (O. S.).* Pittsburg Legal Journal, Old Series.
- Pittsb. R. (Pa.).* Pittsburg Reports, Pennsylvania Courts (reprinted from the Journal).
- Pl.* Placiti Generalia;—Plowden's Commentaries or Reports, English King's Bench, etc.
- Pl. C.* Placita Coronæ (Pleas of the Crown).

- Pl. Com.* Plowden's Commentaries or Reports, English King's Bench.
Pl. U. Plowden on Usury.
Platt Cov. Platt on the Law of Covenants.
Platt Lease. Platt on Leases.
Pleb. Piëbiscite.
Plff. Plaintiff.
Plow. or Plowd. or Plowd. Com. Plowden's English King's Bench Commentaries or Reports.
Plowd. Crim. Con. Tr. Plowden's Crim. Con. Trials.
Plum. Contr. Plumptre on Contracts.
Po. Ct. Police Court.
Pol. Pollexfen's English King's Bench Reports, etc.;—Police.
Pol. Code. Political Code.
Pol. Cont. Pollock on Contracts.
Pol. Sci. Quar. Political Science Quarterly.
Poll. Pollexfen's English King's Bench Reports.
Poll. C. C. Pr. Pollock's Practice of the County Courts.
Poll. Contr. Pollock on Contracts.
Poll. Dig. Part. Pollock's Digest on the Law of Partnership.
Poll. Doc. Pollox on Production of Documents.
Poll. Lead. Cas. Pollock's Leading Cases.
Poll. Part. Pollock on Partnership.
Poll. & Maitl. Pollock & Maitland's History of English Law.
Poller. Pollexfen's English King's Bench Reports, etc.
Pols. Int. or Pols. Law of Nat. Polson on Law of Nations.
Pom. Con. L. or Pom. Const. Law. Pomeroy's Constitutional Law of the United States.
Pom. Contr. Pomeroy on Contracts.
Pom. Mun. L. Pomeroy's Municipal Law.
Pomeroy. Pomeroy's Reports, vols. 73-128 California.
Poore Const. Poore's Federal and State Constitutions.
Pop. Popham's English King's Bench Reports.
Pop. Sci. Mo. Popular Science Monthly.
Pope. (Pope) Opinions Attorney General, pt. 1, vol. 22.
Pope C. & E. Pope on Customs and Excise.
Pope, Lun. Pope on Lunacy.
Poph. Popham's Reports, English King's Bench.
Poph. (2). Cases at the end of Popham's Reports.
Port. (Ala.). Porter's Alabama Reports.
Port. (Ind.). Porter's Reports, Indiana.
Porter. Porter's Alabama Reports;—Porter's Reports, vols. 3-7 Indiana.
Posey. Unreported Commissioner Cases, Texas.
Post. Post's Reports, vols. 23-26 Michigan;—Post's Reports, vols. 42-64 Missouri.
Poste's Gaius Inst. Poste's Translation of Gaius.
Postl. Dict. Postlethwaite's Commercial Dictionary.
Pot. Dwar. Potter's Dwarrior on Statutes.
Poth. Bail à Rente. Pothier, Traité du Contrat de Bail à Rente.
Poth. Cont. Pothier on Contracts.
Poth. Cont. de Change. Pothier, Traité du Contrat de Change.
Poth. Cont. Sale or Poth. Contr. Sale. Pothier, Treatise on the Contract of Sale.
Poth. de Change. Pothier, Traité du Contrat de Change.
Poth. de l'Usure. Pothier, Traité de l'Usure.
Poth. de Société App. Pothier, Traité du Contrat de Société.
Poth. du Depot. Pothier, Traité du Dépôt.
Poth. Éuv. Pothier's Œuvres.
Poth. Louage. Pothier, Traité du Contrat de Louage.
Poth. Mar. Cont. Pothier's Treatise on Maritime Contracts.
Poth. Mar. Louage. Pothier, Traité du Contrat de Louage.
Poth. Obl. Pothier, Traité des Obligations.
Poth. Pand. Pothier's Pandects.
Poth. Part. Pothier on Partnership.
Path. Proc. Civ. or Poth. Proc. Civil. Pothier, Traité de la Procédure Civile.
Poth. Proc. Crim. Pothier, Traité de la Procédure Criminale.
Poth. Société. Pothier, Traité du Contrat de Société.
Poth. Traité de Change. Pothier, Traité du Contrat de Change.
Poth. Vente. Pothier, Traité du Contrat de Vente.
Pothier, Pand. Pothier, Pandectæ Justinianæ, etc.
Potter. Potter's Reports, vols. 4-7 Wyoming.
Potter Corp. Potter on Corporations.
Potter's Dwar. St. Potter's Dwarrior on Statutes.
Potts L. D. Potts's Law Dictionary.
Pow. Am. L. Powell's American Law.
Pow. Apr. Pr. Powell's Appellate Proceedings.
Pow. Con. Powell on Contracts.
Pow. Conv. Powell on Conveyancing.
Pow. Dev. Powell, Essay upon the Learning of Devises, etc.
Pow. Ev. Powell on Evidence.
Pow. Mort. or Pow. Mortg. Powell on Mortgages.
Pow. Powers. Powell on Powers.
Pow. Pr. Powell's Precedents in Conveyancing.
Pow. R. & D. Power, Rodwell and Dew's Election Cases, English.
Poynt. M. & D. Poynter on Marriage and Divorce.
Pr. Price's English Exchequer Reports;—*Principium* (the beginning of a title, law, or section);—Practice Reports (Ontario).
Pr. C. K. B. Practice Cases in the King's Bench.
Pr. Ch. Precedents in Chancery, by Finch;—Practice in the High Court of Chancery.
Pr. Ct. Prerogative Court.
Pr. Dec. Printed Decisions (Sneed's), Kentucky.
Pr. Div. Probate Division, Law Reports;—Pritchard's Divorce and Matrimonial Cases.
Pr. Exch. Price's Exchequer Reports, English.
Pr. Falc. President Falconer's Reports, Scotch Court of Session.
Pr. L. Private Law or Private Laws.
Pr. Min. Printed Minutes of Evidence.
Pr. R. Practice Reports.
Pr. Reg. B. C. Practical Register in the Bail Court.
Pr. Reg. C. P. Practical Register in the Common Pleas.
Pr. Reg. Ch. Practical Register in Chancery (Styles's).
Pr. St. Private Statutes.
Pr. & Div. Probate and Divorce, English Law Reports.
Pr. Cas. Prater's Cases on Conflict of Laws.
Pract. The Practitioner.
Prat. Cas. Prater's Cases on Conflict of Laws.
Prat. H. & W. Prater on the Law of Husband and Wife.
Pratt B. S. Pratt on Beneficial Building Societies.
Pratt C. W. Pratt on Contraband of War.
Pratt Cont. Cas. Pratt's Contraband-of-War Cases.
Preb. Dig. Preble Digest. Patent Cases.
Preced. Ch. Precedents in Chancery.
Prof. Preface.
Prel. Préliminaire.
Prer. Prerogative Court.
Pres. Abs. Preston on Abstracts.
Pres. Conv. Preston on Conveyancing.
Pres. Est. Preston on Estates.
Pres. Falc. President Falconer's Scotch Session Cases (Gilmour & Falconer).
Pres. Leg. Preston on Legacies.
Pres. Merg. Preston on Merger.
Pres. Shcp. T. Preston's Sheppard's Touchstone.
Prest. Conv. Preston on Conveyancing.
Prest. Est. Preston on Estates.
Prest. Merg. Preston on Merger.
Pri. or Price. Price's Exchequer Reports.
Price Exch. Price's Reports, Exchequer, English.
Price Liens. Price on Liens.
Price Notes P. P. or Price P. P. Price's Notes of Points of Practice, English Exchequer Cases.
Price R. Est. Price on Acts Relating to Real Estate (Pa.).
Price & St. Price and Steuart Trade-mark Cases.
Prick. or Prickett (Id.). Prickett's Idaho Reports.
Prid. Chu. Gui. Prideaux's Churchwarden's Guide.

- Prid. Prec.* Prideaux's Precedents in Conveyancing.
- Prid. & C.* Prideaux and Cole's Reports, English, New Sessions Cases, vol. 4.
- Prin.* Principium. The beginning of a title or law.
- Prin. Dec.* Printed Decisions (Sneed's), Kentucky.
- Prior Lim.* Prior on Construction of Limitations.
- Pritch. Ad. Dig.* Pritchard's Admiralty Digest.
- Pritch. M. & D.* Pritchard on Marriage and Divorce.
- Pritch. Quar. Sess.* Pritchard, Quarter Sessions.
- Priv. Counc. App.* Privy Council Appeals.
- Priv. Lond.* Customs or Privileges of London.
- Pro. L.* Province Law.
- Pro. quer.* Pro querentem. For the plaintiff.
- [1891] *Prob. Law Reports*, Probate Division, from 1891 onward.
- Prob. Code.* Probate Code.
- Prob. Div.* Probate Division, English Law Reports.
- Prob. Rep.* Probate Reports.
- Prob. Rep. Ann.* Probate Reports Annotated.
- Prob. & Adm. Div.* Probate and Admiralty Division, Law Reports.
- Prob. & Div.* Probate and Divorce, English Law Reports.
- Prob. & Mat. or Prob. & Matr.* Probate and Matrimonial Cases.
- Proc. Ch.* Proceedings in Chancery.
- Proc. Pr. or Proc. Prac.* Proctor's Practice.
- Proff. Corp.* Proffatt on Corporations.
- Proff. Jury Tr.* Proffatt on Jury Trials.
- Proff. Not.* Proffatt on Notaries.
- Proff. Wills.* Proffatt on Wills.
- Prop. Lawyer N. S.* Property Lawyer, New Series (periodical), England.
- Proud. Dom. Pub.* Proudhon's Domaine Public.
- Proudf. Land Dec. (U. S.).* Proudfitt's United States Land Decisions.
- Prouty.* Prouty's Reports, vols. 61-68 Vermont.
- Prt. Rep.* Practice Reports.
- Psych. & M. L. J.* Psychological and Medico-Legal Journal, New York.
- Puff.* Puffendorf's Law of Nature and Nations.
- Pugs.* Pugsley's Reports, New Brunswick.
- Pugs. & Bur. or Pugs. & Burb.* Pugsley and Burbridge's Reports, New Brunswick.
- Pull. Accts.* Pulling's Law of Mercantile Accounts.
- Pull. Attor.* Pulling on the Law of Attorneys.
- Pull. Laws & Cust. Lond.* Pulling's Treatise on the Laws, Customs, and Regulations of the City and Port of London.
- Pull. Port of London.* Pulling, Treatise on the Laws, Customs, and Regulations of the City and Port of London.
- Puls. or Pulsifer.* Pulsifer's Reports, vols. 65-68 Maine.
- Pult.* Pulton de Pace Regis.
- Pump Ct.* Pump Court (London).
- Punjab Rec.* Punjab Record.
- Purd. Dig. (Pa.).* Purdon's Digest of Pennsylvania Laws.
- Purd. Dig. (U. S.).* Purdon's Digest of United States Laws.
- Puter. Pl.* Puterbaugh's Pleading.
- Pyke.* Pyke's Lower Canada King's Bench Reports.
- Q. Question; — Quorum; — Quadragesms* (Year Books Part IV); — Quebec; — Queensland; — *Attach.* Quoniam Attachiamenta.
- Q. B. Queen's Bench; — Queen's Bench Reports* (Adolphus & Ellis, New Series, English); — English Law Reports, Queen's Bench (1841-1852); — Queen's Bench Reports, Upper Canada; — Queen's Bench Reports, Quebec; — English Law Reports, Queen's Bench Division, 1891.
- [1891] *Q. B. Law Reports*, Queen's Bench Division, from 1891 onward.
- Q. B. Div. or Q. B. D.* Queen's Bench Division, English Law Reports (1876-1890).
- Q. B. R.* Queen's Bench Reports, by Adolphus & Ellis (New Series).
- Q. B. U. C.* Queen's Bench Reports, Upper Canada.
- Q. C.* Queen's Counsel.
- Q. L. R. Quebec Law Reports; — Queensland Law Reports.*
- Q. P. R.* Quebec Practice Reports.
- Q. R.* Official Reports, Province of Quebec.
- Q. R. Q. B.* Quebec Queen's Bench Reports.
- Q. S.* Quarter Sessions.
- Q. t.* Qui tam.
- Q. v.* Quod vide; Which see.
- Q. Vict.* Statutes of Province of Quebec (Reign of Victoria).
- Q. War.* Quo Warranto.
- Qu. L. Jour.* Quarterly Law Journal, Richmond, Va.
- Qu. L. Rev.* Quarterly Law Review, Richmond, Va.
- Qua. cl. fr.* Quare clausum fregit (*q. v.*).
- Quadr.* Quadragesms (Year Books, Part IV).
- Quart. Rev.* Quarterly Law Review, Richmond, Virginia.
- Queb. L. R.* Quebec Law Reports, two series, Queen's Bench or Superior Court.
- Queb. Q. B.* Quebec Queen's Bench Reports.
- Quebec L. Rep.* Quebec Law Reports, two series, Queen's Bench or Superior Court.
- Queens. L. J.* Queensland Law Journal.
- Queens. L. R.* Queensland Law Reports.
- Quin. or Quincy.* Quincy's Massachusetts Reports.
- Quinto, Quinto.* Year Book, 5 Hen. V.
- Quo War.* Quo Warranto.
- R.* Resolved. Repealed. Revised. Revision.
- Rolls; — King Richard;* thus 1 R. III. signifies the first year of the reign of King Richard III.; — Rawley's Reports, S. C. of Pennsylvania.
- R. A.* Regular Appeals. Registration Appeals.
- Rc.* Rescriptum; — Rolls of Court; — Record Commissioners; — Railway Cases; — Registration Cases; — *Revue Critique*, Montreal.
- R. C. & C. R.* Revenue, Civil and Criminal Reporter, Calcutta.
- R. G.* Regulæ Generales, Ontario.
- R. I.* Rhode Island; — Rhode Island Reports.
- R. J. & P. J.* Revenue, Judicial and Police Journal, Calcutta.
- R. L.* Roman Law; — Revised Laws; — *Revue Legale*.
- R. L. & S.* Ridgeway, Lapp and Schoales's Reports, Irish King's Bench.
- R. L. & W.* Roberts, Leaming and Wallis's County Court Reports, English.
- R. M. Ch. or R. M. Charit.* R. M. Charlton's Georgia Reports.
- R. P. C.* Real Property Cases, English; — Reports Patent Cases.
- R. P. Cas.* Real Property Cases, English.
- R. P. & W. (Pa.).* (Rawley) Penrose and Watt's Pennsylvania Reports.
- R. R. & Can. Cas.* Railway and Canal Cases, English.
- R. S.* Revised Statutes.
- R. S. L.* Reading on Statute Law.
- R. t. F.* Reports *tempore* Finch, English Chancery.
- R. t. H.* Reports *tempore* Hardwicke (Lee) English King's Bench; — Reports *tempore* Holt (Cases Concerning Settlement).
- R. t. Hardw.* Reports *tempore* Hardwicke, English King's Bench.
- R. t. Holt.* Reports *tempore* Holt, English King's Bench.
- R. t. Q. A.* Reports *tempore* Queen Anne, vol. 11 Modern Reports.
- R. & B. Cas.* Redfield and Bigelow's Leading Cases on Bills and Notes.
- R. & C. Cas.* Railway and Canal Cases, English.
- R. & C. N. Sc.* Russell & Chesley's Reports, Nova Scotia.
- R. & G. N. Sc.* Russell & Geldert's Reports, Nova Scotia.
- R. & H. Dig.* Robinson & Harrison's Digest, Ontario.
- R. & J. Dig.* Robinson & Joseph's Digest, Ontario.
- R. & M.* Russell & Mylne's English Chancery Reports; — Ryan & Moody's English Nisi Prius Reports.
- R. & My.* Russell and Mylne's Reports, English Chancery.

- R. & M. C. C.* Ryan and Moody's Crown Cases Reserved, English.
- R. & M. Dig.* Rapalje & Mack's Digest of Railway Law.
- R. & M. N. P.* Ryan and Moody's Nisi Prius Cases, English.
- R. & R. C. C.* Russell and Ryan's Crown Cases Reserved, English.
- Ra. Ca.* English Railway and Canal Cases.
- Rader.* Rader's Reports, vols. 138-163 Missouri.
- Raff Pens. Man.* Raff's Pension Manual.
- Rail. & Can. Cas.* English Railway and Canal Cases;—Railway and Canal Traffic Cases.
- Railw. Cas.* Railway Cases.
- Railw. & C. Cas.* Railway and Canal Cases, English.
- Railw. & Corp. Law J.* Railway and Corporation Law Journal.
- Ram A.* Ram on Assets.
- Ram Cas. P. & E.* Ram's Cases of Pleading and Evidence.
- Ram F.* Ram on Facts.
- Ram Judgm.* Ram on Science of Legal Judgment.
- Ram Leg. Judgm. (Towns. Ed.).* Ram's Science of Legal Judgment, Notes by Townshend.
- Ram W.* Ram on Exposition of Wills.
- Ram. & Mor.* Ramsey & Morin's Montreal Law Reporter.
- Rand.* Randolph's Virginia Reports;—Randolph's Reports, vols. 21-56 Kansas;—Randolph's Reports, vols. 7-11 Louisiana Annual;—Randall's Reports, vols. 52-71 Ohio State.
- Rand. (Kan.).* Randolph's Reports, Kansas.
- Rand. (La.).* Randolph's Reports, Louisiana Annual Reports, vols. 7-11.
- Rand. Perp.* Randall on Perpetuities.
- Raney.* Raney's Reports, vols. 16-20 Florida.
- Rang. Dec.* Sparks's Rangoon Decisions, British Burmah.
- Rank. P.* Rankin on Patents.
- Rap. Fed. Ref. Dig.* Rapalje's Federal Reference Digest.
- Rap. Jud. Q. B. R.* Rapport's Judiciaries de Quebec Cour du Banc de la Reine.
- Rap. Jud. Q. C. S.* Rapport's Judiciaries de Quebec Cour Supérieure.
- Rap. Lar.* Rapalje on Larceny.
- Rap. N. Y. Dig.* Rapalje's New York Digest.
- Rap. & L. or Rap. & Law. or Rapal. & L.* Rapalje & Lawrence, American and English Cases.
- Rast.* Rastell's Entries and Statutes.
- Ratt. L. C.* Rattigan's Leading Cases on Hindoo Law.
- Ratt. R. L.* Rattigan's Roman Law.
- Raw. or Rawle.* Rawle's Pennsylvania Reports.
- Rawle Const.* Rawle on the Constitution.
- Rawle, Cov. or Rawle Covt.* Rawle on Covenants for Title.
- Rawle Eq.* Rawle's Equity in Pennsylvania.
- Rawle Pen. & W.* (Rawle) Penrose & Watts, Pennsylvania.
- Ray Med. Jur.* Ray's Medical Jurisprudence of Insanity.
- Ray Men. Path.* Ray's Mental Pathology.
- Raym. or Raym. Ld.* Lord Raymond's Reports, English King's Bench.
- Raym. B. of Ex.* Raymond on Bill of Exceptions.
- Raym. Ch. Dig.* Raymond's Chancery Digest.
- Raym. Ent.* Raymond's Book of Entries.
- Raym. Sir T. or Raym. T.* Sir Thomas Raymond's English King's Bench Reports.
- Raymond.* Raymond's Reports, vols. 81-89 Iowa.
- Rayn.* Rayner's English Tithe Cases, Exchequer.
- Re-aff.* Re-affirmed.
- Re. de J.* Revue de Jurisprudence, Montreal.
- Re. de L.* Revue de Jurisprudence et Legislation, Montreal.
- Real Est. Rec.* Real Estate Record, New York.
- Real Pr. Cas.* Real Property Cases (English).
- Rec.* Records;—Recorder;—American Law Record.
- Rec. Com.* Record Commission.
- Rec. Dec.* Vaux's Recorder's Decisions, Philadelphia.
- Red.* Redfield's New York Surrogate Reports;—Reddington, Maine.
- Red. Am. R. R. Cas. or Red. Cas. R. R.* Redfield's Leading American Railway Cases.
- Red. Cas. Wills.* Redfield's Leading Cases on Wills.
- Red. R. L.* Reddie's Roman Law.
- Red. R. R. Cas.* Redfield's Leading American Railway Cases.
- Red. & Big. Cas. B. & N.* Redfield & Bigelow's Leading Cases on Bills and Notes.
- Redes. Pl.* Mitford's Chancery Pleading.
- Redf.* Redfield's Surrogate Court Reports, N. Y.
- Redf. Am. Railw. Cas.* Redfield's American Railway Cases.
- Redf. Bailm.* Redfield on Carriers and Bailments.
- Redf. L. Cas. Wills.* Redfield's Leading Cases on Wills.
- Redf. Pr.* Redfield's Practice, New York.
- Redf. R. Cas.* Redfield's American Railway Cases.
- Redf. Railw.* Redfield on Railways.
- Redf. Railw. Cas.* Redfield's American Railway Cases.
- Redf. Sur. or Redf. Surr. (N. Y.).* Redfield's New York Surrogate Court Reports.
- Redf. Wills.* Redfield's Leading Cases on Wills.
- Redf. & Big. L. Cas.* Redfield and Bigelow's Leading Cases on Notes and Bills.
- Reding. or Redington.* Redington's Reports, vols. 31-35 Maine.
- Redm.* Redman on Arbitrations and Awards.
- Reed Fraud or Reed Lead. Cas.* Reed's Leading Cases in Law of Statute of Frauds.
- Reese.* Reporter, vols. 5, 11 Heiskell's Tennessee Reports.
- Reeve Des.* Reeve on Descents.
- Reeve Dom. R.* Reeve on Domestic Relations.
- Reeve, Eng. Law or Reeve H. E. L. or Reeve, Hist. Eng. Law.* Reeve's History of the English Law.
- Reeve Sh.* Reeve on the Law of Shipping and Navigation.
- Reg.* The Daily Register, New York City.
- Reg. App.* Registration Appeals.
- Reg. Brev.* Register of Writs.
- Reg. Cas.* Registration Cases.
- Reg. Deb. (Gales).* Register of Debates in Congress, 1789-91 (Gales's).
- Reg. Deb. (G. & S.).* Register of Debates in Congress, 1824-37 (Gales and Seaton's).
- Reg. Gen.* Regulæ Generales.
- Reg. Jud.* Registrum Judiciale.
- Reg. Lib.* Register Book.
- Reg. Maj.* Books of Regiam Majestatem.
- Reg. Om. Brev.* Registrum Omnium Brevium.
- Reg. Orig.* Registrum Originale.
- Reg. Pl.* Regula Placitandi.
- Reg. Writ.* Register of Writs.
- Reilly.* Reilly's English Arbitration Cases.
- Rem. Cr. Tr.* Remarkable Criminal Trials.
- Rem. Tr.* Cummins & Dunphy's Remarkable Trials.
- Rem. Tr. No. Ch.* Benson's Remarkable Trials and Notorious Characters.
- Remy.* Remy's Reports, vols. 145-154 Indiana; also Indiana Appellate Court Reports.
- Rep.* Report;—Reports;—Reporter;—Repealed;—Wallace's The Reporters;—Répertoire. Coke's Reports, English King's Bench.
- Rep. (1, 2, etc.).* Coke's English King's Bench Reports.
- Rep. Ass. Y.* Clayton's Reports of Assizes at Yorke.
- Rep. Cas. Eq.* Gilbert's Chancery Reports.
- Rep. Cas. Madr.* Reports of Cases, Dewanny Adawlut, Madras.
- Rep. Cas. Pr.* Reports of Cases of Practice (Cooke's).
- Rep. Ch.* Reports in Chancery, English.
- Rep. Ch. Pr.* Reports on the Chancery Practice.
- Rep. Com. Cas.* Reports of Commercial Cases, Bengal.
- Rep. Const. or Rep. Const. Ct.* Reports of the Constitutional Court, South Carolina (Treadway, Mill, or Harper).

Rep. Cr. L. Com. Reports of Criminal Law Commissioners.

Rep. de Jur. Répertoire de Jurisprudence, Paris.
Rep. de Jur. Com. Répertoire de Jurisprudence Commerciale, Paris.

Rep. du Not. Répertoire du Notariat, Paris.
Rep. Ec. C. C. Répétitions Ecrites sur le Code Civil.

Rep. Eq. Guilbert's Reports in Equity, English.
Rep. in Ch. Reports in Chancery, English.
Rep. (N. Y.). The Reporter, Washington and New York.

Rep. Q. A. Report *tempore* Queen Anne, vol. 11 Modern.

Rep. Sel. Cas. Ch. or Rep. Sel. Cas. in Ch. Kel-
yng's (W.) Reports, English Chancery.

Rep. t. Finch. Reports *tempore* Finch, English Chancery.

Rep. t. Hard. Lee's Reports *tempore* Hardwicke, English King's Bench Reports.

Rep. t. Holt. Reports *tempore* Holt, English King's Bench;—Reports *tempore* Holt (English Cases of Settlement).

Rep. t. O. Br. Carter's English Common Pleas Reports *tempore* O. Bridgman.

Rep. t. Q. A. Reports *tempore* Queen Anne (11 Modern).

Rep. t. Talb. Reports *tempore* Talbot, English Chancery.

Rep. (Wash.). The Reporter, Washington and New York.

Rep. Yorke Ass. Clayton's Reports of Assizes at Yorke.

Report or Reports. Coke's Reports, English King's Bench.

Repr. The Reporter, Boston, Mass.

Res. Cas. Reserved Cases.

Ret. Brev. Retorna Brevium.

Rettie. Rettie, Crawford & Melville's Scotch Session Cases (4th Series).

Rev. Reversed. Revised. Revenue.

Rev. C. & C. Rep. Revenue, Civil, and Criminal Reporter, Bengal.

Rev. Cas. Revenue Cases.

Rev. Crit. La Révue Critique, Montreal.

Rev. Crit. de Leg. Révue Critique de Legislation, Paris.

Rev. de Leg. Révue de Legislation, Montreal.

Rev. Dr. Int. Révue de Droit International, Paris.

Rev. Dr. Leg. Révue de Droit Législation, Paris.

Rev. Laws. Revised Laws.

Rev. Leg. La Révue Légale, Sorel, Quebec.

Rev. Ord. N. W. T. Revised Ordinances, North-west Territories (Canada) 1888.

Rev. St. or Rev. Stat. Revised Statutes.

Reyn. Reynolds's Reports, vols. 40-42 Mississippi.

Reyn. Steph. Reynolds's Stephens on Evidence.

Rho. L. Rhodian Law.

Rice. Rice's Law Reports, South Carolina.

Rice Ch. Rice's Equity Reports, South Carolina.

Rice Dig. Pat. Rice's Digest of Patent Office Decisions.

Rice Eq. Rice's South Carolina Equity Reports.

Rich. Richardson's South Carolina Law Reports;—Richardson's Reports, vols. 2-5 New Hampshire.

Rich. Cas. Ch. or Rich. Ch. Richardson's South Carolina Equity Reports.

Rich. Ct. Cl. Richardson's Court of Claims Reports.

Rich. Eq. Richardson's South Carolina Equity Reports.

Rich. Eq. Cas. Richardson's South Carolina Equity Reports.

Rich. Law (S. C.). Richardson's South Carolina Law Reports.

Rich. (N. H.). Richardson's Reports, New Hampshire Reports, vols. 3-5.

Rich. N. S. Richardson's Reports, New Series, South Carolina.

Rich. P. R. C. P. Richardson's Practical Register, Common Pleas.

Rich. Pr. C. P. Richardson's Practice Common Pleas.

Rich. Pr. K. B. Richardson's Practice in the King's Bench.

Rich. Pr. Reg. Richardson's Practical Register, English Common Pleas.

Rich. & H. or Rich. & Hook. Richardson & Hook's Street Railway Decisions.

Rich. & W. Richardson & Woodbury's Reports, vol. 2 New Hampshire.

Ridg. Ridgeway's Reports *tempore* Hardwicke, Chancery and King's Bench.

Ridg. Ap. or Ridg. App. Ridgeway's Irish Appeal (or Parliamentary) Cases.

Ridg. Cas. Ridgeway's Reports *tempore* Hardwicke, Chancery and King's Bench.

Ridg. L. & S. Ridgeway, Lapp and Schoales's Reports (Irish Term Reports).

Ridg. P. C. or Ridg. Parl. Ridgeway's Irish Appeal (or Parliamentary) Cases.

Ridg. Rep. or Ridg. St. Tr. Ridgeway's (Individual) Reports of State Trials in Ireland.

Ridg. t. Hard. or Ridg. & Hard. Ridgeway's Reports *tempore* Hardwicke, Chancery and King's Bench.

Ridgew. Ridgeway (see Ridg.).

Ridley, Civil & Ecc. Law. Ridley's Civil and Ecclesiastical Law.

Ried. Riedell's Reports, vols. 68, 69 New Hampshire.

Ril. Riley's South Carolina Law Reports;—Riley's Reports, vols. 37-42 West Virginia.

Ril. Ch. or Ril. Eq. Riley's South Carolina Chancery Reports.

Ril. Harp. Riley's Edition of Harper's South Carolina Reports.

Riley. Riley's South Carolina Chancery Reports;—Riley's South Carolina Law Reports;—Riley's Reports, vols. 37-42 West Virginia.

Riley Ch. or Riley Eq. Riley's Chancery Reports, South Carolina.

Riner. Riner's Reports, vol. 2 Wyoming.

Riv. Ann. Reg. Rivington's Annual Register.

Rob. Robinson's Virginia Reports;—Robinson's Louisiana Reports;—Robinson's Reports, vols. 2-9 and 17-23 Colorado Appeals;—Robertson's New York Superior Court Reports;—Robinson's English Ecclesiastical Reports;—Chr. Robinson's English Admiralty Reports;—W. Robinson's English Admiralty Reports;—Robinson's Reports, English House of Lords Scotch Appeals;—Robertson's Scotch Appeal Cases;—Robinson's Reports, vol. 38 California;—Robinson's Reports, vols. 1-4 Louisiana Annual;—Roberts's Reports, vols. 29-31 Louisiana Annual;—Robards's Reports, vols. 12, 13 Missouri;—Robards's Conspect Cases, Texas;—Chr. Robinson's Upper Canada Reports;—J. L. Robinson's Upper Canada Reports;—Robertson's Reports, vol. 1 Hawaii;—Robinson's Reports, vol. 1 Nevada.

Rob. Adm. Chr. Robinson's English Admiralty Reports.

Rob. Adm. Chr. Robinson's Reports, English Admiralty.

Rob. Adm. & Pr. Roberts on Admiralty and Prize.

Rob. App. Robinson's Scotch Appeals, English House of Lords.

Rob. (Cal.). Robinson's Reports, California.

Rob. Car. V. Robertson's History of the Reign of the Emperor Charles V.

Rob. Cas. Robertson's Scotch Appeal Cases.

Rob. Chr. Chr. Robinson's English Admiralty Reports.

Rob. Chr. Adm. Chr. Robinson's Reports, English Admiralty.

Rob. Consc. Cas. or Rob. Conscr. Cas. Robard's Conspect Cases, Texas.

Rob. Ecc. Robertson's Ecclesiastical Reports, English.

Rob. Ent. Robinson's Entries.

Rob. Eq. Roberts's Principles of Equity.

Rob. Fr. Roberts on Frauds.

Rob. Fr. Conv. Roberts on Fraudulent Conveyances.

Rob. Gavelk. Robinson on Gavelkind.

Rob. (Hawaiian). Robinson's Hawaiian Reports.

Rob. Jr. or Rob. Jun. William Robertson's English Admiralty Reports.

Rob. Jus. Robinson's Justice of the Peace.

Rob. L. & W. Roberts, Leaming & Wallis's County Court Reports.

- Rob. (La.).* Robinson's Reports, Louisiana.
Rob. (La. Ann.). Robinson's Reports, Louisiana Annual, vols. 1-4.
Rob. Mar. (N. Y.). Robertson & Jacob's New York Marine Court Reports.
Rob. (Mo.). Robard's Reports, Missouri.
Rob. (N. Y.). Robertson's Reports, New York City Superior Court Reports, vols. 24-30.
Rob. (Nev.). Robinson's Reports, Nevada Reports, vol. 1.
Rob. Pr. Robinson's Practice.
Rob. S. I. Robertson's Sandwich Island (Hawaiian) Reports.
Rob. Sc. App. Robinson's Scotch Appeals, English House of Lords.
Rob. Sr. Ct. Robertson's New York Superior Court Reports.
Rob. St. Fr. Roberts on the Statute of Frauds.
Rob. U. C. Robinson's Reports, Upper Canada.
Rob. (Va.). Robinson's Reports, Virginia.
Rob. Wills. Roberts on Wills.
Rob. Wm. or Rob. Wm. Adm. Wm. Robinson's Reports, English Admiralty.
Rob. & J. Robard and Jackson's Reports, Texas Reports, vols. 26-27.
Robards. Robards's Reports, vols. 12, 13 Missouri;—Robards's Texas Conscripct Cases.
Robards & Jackson. Robards & Jackson's Reports, vols. 26-27 Texas.
Robb or Robb Pat. Cas. Robb's United States Patent Cases.
Robert. Robertson's Scotch Appeals, English House of Lords.
Roberts. Roberts' Reports, vols. 29-31 Louisiana Annual.
Robertson. Robertson's Scotch Appeal Cases;—Robertson's New York Superior Court Reports;—Robertson's New York Marine Court Reports;—Robertson's English Ecclesiastical Reports;—Robertson's Hawaiian Reports. See, also, Rob.
Robin. App. Robinson's Scotch Appeal Cases.
Robinson. Chr. Robinson's English Admiralty Reports;—W. Robinson's English Admiralty Reports;—Robinson's Virginia Reports;—Robinson's Louisiana Reports;—Robinson's Scotch Appeal Cases;—Robinson's Reports, vol. 38 California;—Chr. Robinson's Reports, Upper Canada;—J. L. Robinson's Reports, Upper Canada;—Robinson's Reports, Colorado;—Robinson's Reports, vol. 1 Nevada.
Robts. Bankr. Robson's Bankrupt Practice;—Robertson's Handbook of Bankers' Law.
Robt. Robert;—Robertson.
Robt. (N. Y.). Robertson's Reports, New York City Superior Court Reports, vols. 24-30.
Roc. Ins. Roccus on Insurance.
Roc. Mar. L. Roccus on Maritime Law.
Roc. & H. Bank. Roche and Hazlitt on Bankruptcy.
Roccus, Ins. Roccus on Insurance.
Rockw. Sp. & Mex. L. Rockwell's Spanish and Mexican Law.
Rodm. (Ky.). Rodman's Kentucky Reports, vols. 78-82.
Rodman. Rodman's Reports, vols. 78-82 Kentucky.
Roelk. Man. Roelker's Manual for Notaries and Bankers.
Rog. Ecc. or Rog. Ecc. Law. Rogers's Ecclesiastical Law.
Rog. Rec. Rogers's City Hall Recorder, New York.
Rogers. Rogers's Reports, vols. 47-51 Louisiana Annual.
Rol. Rolle's English King's Bench Reports.
Roll. Roll of the Term;—Rolle's English King's Bench Reports.
Rolle. Rolle's Reports, English King's Bench.
Rolle Abr. Rolle's Abridgment.
Rolle R. Rolle's English King's Bench Reports.
Rolls Ct. Rep. Rollis Court Reports, English.
Rom. Romilly's Notes of Cases, English Chancery.
Rom. Cr. L. Romilly's Criminal Law.
Rom. Law. Mackeldy's Handbook of the Roman Law.
Root. Root's Reports, Connecticut.
Rop. H. & W. or Rop. Husb. & Wife. Roper on Husband and Wife.
Rop. Leg. Roper on Legacies.
Rop. Prop. Roper on Property.
Rop. Rev. Roper on Revocation of Wills.
Rorer Int. St. L. Rorer on Inter-State Law.
Rorer Jud. Sales. Rorer on Judicial Sales.
Rosc. Adm. Roscoe's Admiralty Jurisdiction and Practice.
Rosc. Bills. Roscoe on Bills and Notes.
Rosc. Civ. Ev. Roscoe on Civil Evidence.
Rosc. Cr. Ev. or Rosc. Crim. Ev. Roscoe on Criminal Evidence.
Rosc. Jur. Roscoe's Jurist, London.
Rosc. N. P. Roscoe on Nisi Prius Evidence.
Rosc. Pl. Roscoe on Pleading.
Rosc. R. Ac. or Rosc. Real Act. Roscoe on Real Actions.
Rosc. St. D. Roscoe on Stamp Duties.
Rose or Rose B. C. Rose's Reports, English Bankruptcy.
Rose Notes. Rose's Notes on United States Reports.
Rose W. C. Rose Will Case, New York.
Ross, Conv. Ross's Lectures on Conveyancing, etc., Scotland.
Ross Ldg. Cas. Ross's Leading Cases on Commercial Law.
Ross Lead. Cas. Ross's Leading Cases on Commercial Law.
Ross V. & P. Ross on Vendors and Purchasers.
Rot. Chart. Rotulus Chartarum.
Rot. Cur. Reg. Rotuli Curiae Regis.
Rot. Flor. Rota Florentine (Reports of the Supreme Court, or Rota, of Florence).
Rot. Parl. Rotulæ Parliamentariæ.
Rouse Cop. Rouse's Copyhold Enfranchisement Manual.
Rouse Pr. Mort. Rouse on Precedents of Mortgages.
Rowe. Rowe's Reports, English Parliamentary and Military Cases.
Rowe Rep. Rowe's Reports (Irish).
Rowe Sci. Jur. Rowe's Scintilla Juris.
Rowell. Rowell's Contested Election Cases, U. S. House of Representatives, 1839-1891;—Rowell's Reports, vols. 45-52 Vermont.
Roy. Dig. Royall's Digest Virginia Reports.
Royle Stock Sh. Royle on the Law of Stock Shares, etc.
Rt. Law Repts. Rent Law Reports, India.
Rub. Rubric.
Rucker. Rucker's Reports, vols. 43-46 West Virginia.
Ruff. or Ruff. & H. Ruffin & Hawks's North Carolina Reports.
Ruffh. or Ruffh. St. Ruffhead's Statutes-at-Large of England.
Rules Sup. Ct. Rules of the Supreme Court.
Runn. Runnell's Reports, Iowa.
Runn. Stat. Runnington's Statutes-at-Large of England.
Runnells. Runnells's Reports, vols. 38, 56 Iowa.
Rus. Russell.
Rush. Rushworth's Historical Collection.
Russ. Russell's Reports, English Chancery.
Russ. Arb. Russell on Arbitrators.
Russ. Cr. or Russ. Crimes. Russell on Crimes and Misdemeanors.
Russ. Elect. Cas. Russell's Election Cases, Nova Scotia;—Russell's Election Cases, Massachusetts.
Russ. Eq. Rep. Russell's Equity Decisions, Nova Scotia.
Russ. Merc. Ag. Russell on Mercantile Agency.
Russ. N. Sc. Russell's Equity Cases, Nova Scotia.
Russ. t. Eld. Russell's English Chancery Reports tempore Elden.
Russ. & Ches. Russell and Chesley's Reports, Nova Scotia.
Russ. & Ches. Eq. Russell and Chesley's Equity Reports, Nova Scotia.
Russ. & Geld. Russell and Geldert's Reports, Nova Scotia.
Russ. & M. Russell and Mylne's Reports, English Chancery.
Russ. & R. or Russ. & Ry. Russell and Ryan's Crown Cases Reserved, English.

- Rutg. Cas. or Rutger Cas.* Rutger-Waddington Case, New York City, 1784 (First of New York Reports).
- Ruth. Inst. or Ruth. Nat. L.* Rutherford's Institutes of Natural Law.
- Ry. Cas.* Reports of Railway Cases.
- Ry. F. Rymer's Fœdera*, Conventions, etc.
- Ry. Med. Jur.* Ryan's Medical Jurisprudence.
- Ry. & Can. Cas.* Railway and Canal Cases, England.
- Ry. & Can. Traf. Ca.* Railway and Canal Traffic Cases.
- Ry. & Corp. Law Jour.* Railway and Corporation Law Journal.
- Ry. & M.* Ryan & Moody's Nisi Prius Reports, English.
- Ry. & M. C. C.* Ryan and Moody's Crown Cases Reserved, English.
- Ry. & M. N. P.* Ryan and Moody's Nisi Prius Reports, English.
- Rymer.* Rymer's Fœdera.
- S. Shaw, Dunlop & Bell's Scotch Court of Session Reports (1st Series);—Shaw's Scotch House of Lords Appeal Cases;—Southwestern Reporter (properly cited S. E.);—Southwestern Reporter (properly cited S. W.);—New York Supplement;—Supreme Court Reporter;—Section.*
- S. A. L. R.* South Australian Law Reports.
- S. App.* Shaw's Appeal Cases, Scotland.
- S. Aust. L. R.* South Australian Law Reports.
- S. B.* Upper Bench, or Supreme Bench.
- S. C.* South Carolina;—South Carolina Reports, New Series;—Same Case;—Superior Court;—Supreme Court;—Sessions Cases;—Samuel Carter (see Orlando Bridgman);—Senatus-Consulti.
- S. C. A.* Supreme and Exchequer Courts Act, Canada.
- S. C. Bar Assn.* South Carolina Bar Association.
- S. C. C.* Select Chancery Cases (part 3 of Cases in Chancery);—Small Cause Court, India.
- S. C. Dig.* Cassell's Supreme Court Digest, Canada.
- S. C. E.* Select Cases relating to Evidence.
- S. C. R.* South Carolina Reports, New Series;—Harper's South Carolina Reports;—Supreme Court Reports;—Supreme Court Rules;—Supreme Court of Canada Reports.
- S. C. Rep.* Supreme Court Reports.
- S. Car.* South Carolina;—South Carolina Reports, New Series.
- S. Ct.* Supreme Court Reporter.
- S. D.* South Dakota;—South Dakota Reports.
- S. D. A.* Sudder Dewanny Adawlut Reports, India.
- S. Dak.* South Dakota Reports.
- S. D. & B.* Shaw, Dunlop & Bell's Scotch Court of Session Reports (1st Series).
- S. D. & B. Sup.* Shaw, Dunlop & Bell's Supplement, containing House of Lords Decisions.
- S. E.* or *S. E. R.* or *S. E. Rep.* Southeastern Reporter.
- S. F. A.* Sudder Foudaree Adawlut Reports, India.
- S. J.* Solicitors' Journal.
- S. Just.* Shaw's Justiciary Cases, Scotch.
- S. L.* Session Law;—Solicitor at Law;—Statute Law.
- S. L. C.* Smith's Leading Cases.
- S. L. C. App.* Stuart's Lower Canada Appeal Cases.
- S. L. D.* Sudder Dewanny Adawlut Reports, India.
- S. L. Ev.* Select Laws relating to Evidence.
- S. L. J.* Scottish Law Journal, Edinburgh.
- S. L. R.* Scottish Law Reporter, Edinburgh;—Southern Law Review, St. Louis.
- S. P.* Same Point;—Same Principle.
- S. R.* State Reporter, New York.
- S. S.* Synopsis Series of U. S. Treasury Decisions.
- S. S. C.* Sandford's New York City Superior Court Reports.
- S. T.* State Trials.
- S. T. D.* Synopsis Treasurer's Decisions.
- S. Teind.* or *S. Teinds.* Shaw's Teinds Cases, Scotch Courts.
- S. V. A. R.* Stuart's Vice-Admiralty Reports, Quebec.
- S. W.* Southwestern;—Southwestern Reporter.
- S. W. L. J.* Southwestern Law Journal, Nashville, Tenn.
- S. W. Rep.* Southwestern Reporter (commonly cited S. W.).
- S. & B.* Smith and Batty's Reports, Irish King's Bench.
- S. & C.* Saunders & Cole's English Bail Court Reports;—Swan & Critchfield, Revised Statutes, Ohio.
- S. & D.* Shaw, Dunlop & Bell's Scotch Court of Session Reports (1st series).
- S. & G.* Smale & Giffard, English.
- S. & L.* Schoales and Lefroy's Reports, Irish Chancery.
- S. & M.* Shaw & Maclean's Appeal Cases, House of Lords;—Smedes & Marshall's Mississippi Reports.
- S. & M' L.* Shaw and Maclean's Appeal Cases, English House of Lords.
- S. & Mar.* Smedes and Marshall's Reports, Mississippi Reports, vols. 9-22.
- S. & M. Ch.* or *S. & Mar. Ch.* Smedes and Marshall's Chancery Reports, Mississippi.
- S. & R.* Sergeant and Rawle's Reports, Pennsylvania.
- S. & S.* Sausse & Scully's Irish Rolls Court Reports;—Simons & Stuart, English Vice-Chancellors' Reports;—Swan & Saylor, Revised Statutes of Ohio.
- S. & Sc.* Sausse and Scully's Reports, Irish Chancery.
- S. & Sm.* Searle and Smith's Reports, English Probate and Divorce Cases.
- S. & T.* Swaby and Tristram's Reports, English Probate and Divorce Cases.
- Sal.* Salinger's Reports, vols. 90-117 Iowa.
- Salk.* Salkeld's Reports, English Courts.
- Salm. Abr.* or *Salm. St. R.* Salmon's Abridgment of State Trials.
- San Fr. L. J.* San Francisco Law Journal, California.
- San. U.* Sanders on Uses and Trusts.
- Sand.* Sandford's New York Superior Court Reports.
- Sand. Ch.* Sandford's New York Chancery Reports.
- Sand. Eq.* Sands's Suit in Equity.
- Sand. Essays.* Sanders's Essays.
- Sand. Inst.* Sanders's Institutes of Justinian.
- Sand. I. Rep.* Sandwich Island (Hawaiian) Reports.
- Sand. Jus.* or *Sandars, Just. Inst.* Sanders's Edition of Justinian's Institutes.
- Sand. U. & T.* Sanders on Uses and Trusts.
- Sandf.* Sandford's New York Superior Court Reports.
- Sandf. Ch.* Sandford's Chancery Reports, New York.
- Sandf. Ent.* Sandford on Entails.
- Sandf. St. Pap.* Sandler's State Papers.
- Sanf. (Ala.).* Sanford's Reports, Alabama.
- Sant. de Assec.* Santerna de Assecurationibus.
- Sar. Ch. Sen.* Saratoga Chancery Sentinel.
- Sau. & Sc.* Sausse & Scully's Irish Rolls Court Reports.
- Sauls.* Saulsbury's Reports, vols. 5-6 Delaware.
- Saund.* Saunders's Reports, English King's Bench.
- Saund. Bank. Pr.* Saunders's Bankrupt Practice.
- Saund. Neg.* Saunders on the Law of Negligence.
- Saund. Pl.* Saunders on Civil Pleading.
- Saund. Pl. & Ev.* Saunders's Pleading and Evidence.
- Saund. & C.* Saunders and Cole's Reports, English Bail Court.
- Saund. & Mac.* Saunders & Macrae's English County Court Cases.
- Sausse & Sc.* Sausse & Scully's Irish Rolls Court Reports.
- Sav.* Savile's English Common Pleas Reports.
- Sav. Dr. Rom.* Savigny, Droit Romain.
- Sav. His. Rom. L.* Savigny's History of the Roman Law.
- Sav. Obl.* Savigny on Obligations.
- Sav. Priv.* Trial of the Savannah Privateers.
- Sav. Priv. Int. L.* Savigny on Private International Law.
- Sav. Syst.* Savigny, System des Heutigen Römischen Rechts.

- Saw. or Sawy.* Sawyer's United States Circuit Court Reports.
- Sax. or Saxt. or Saxt. Ch.* Saxton's Chancery Reports, New Jersey Equity Reports, vol. 1.
- Say.* Sayer's Reports, English King's Bench.
- Say. Costs.* Sayer on Costs.
- Say. Pr.* Sayle's Practice in Texas.
- Sayer.* Sayer's English King's Bench Reports.
- Sc. Silciet* (that is to say);—Scott's Reports, English Common Pleas;—Scott;—Scammon's Reports, vols. 2-5 Illinois;—Liber Rubeus Scaccarii, Scottish.
- Sc. Jur.* Scottish Jurist, Edinburgh.
- Sc. L. J.* Scottish Law Journal, Glasgow.
- Sc. L. M.* Scottish Law Magazine, Edinburgh.
- Sc. L. R.* Scottish Law Reporter, Edinburgh.
- Sc. N. R.* Scott's New Reports.
- Sc. Sess. Cas.* Scotch Court of Session Cases.
- Sc. & Div. App.* Scotch and Divorce Appeals (Law Reports).
- Scac. or Scaccaria Curia.* Court of Exchequer.
- Scam.* Scammon's Reports, vols. 2-5 Illinois.
- Scan. Mag.* Scandalum Magnatum.
- Sch. & Lef.* Schoales and Lefroy's Reports, Irish Chancery.
- Sch. & Lef.* Schoales & Lefroy's Irish Chancery Reports.
- Schalck or Schalk (Jam.).* Schalck's Jamaica Reports.
- Scheiff. Pr.* Scheiffer's Practice.
- Scher.* Scherer, New York Miscellaneous Reports.
- Schm. C. L. or Schm. Civil Law.* Schmidt's Civil Law of Spain and Mexico.
- Schm. L. J.* Schmidt's Law Journal, New Orleans.
- Schomberg, Mar. Laus Rhodes.* Schomberg, Treatise on the Maritime Laws of Rhodes.
- Schoul. Bailm.* Schouler on Bailments, including Carriers.
- Schoul. Dom. Rel.* Schouler on Domestic Relations.
- Schoul. Per. Pr. or Shouler, Pers. Prop.* Schouler on Personal Property.
- Schouler, Wills.* Schouler on Wills.
- Schuyl. Leg. Rec.* Schuylkill Legal Record, Pottsville, Pa.
- Sci. fa.* Scire facias.
- Sci. fa. ad dis. deb.* Scire facias ad disprobandum debitum.
- Scil. Silciet.* That is to say.
- Scot.* Scott's Reports, English Common Pleas.
- Scot. Costs.* Scott on Costs.
- Scot. Int.* Scott's Intestate Laws.
- Scot. Nat.* Scott on Naturalization of Aliens.
- Scot. N. R.* Scott's New Reports, English Common Pleas.
- Scot. & J. Tel.* Scott and Jarnigan on the Law of Telegraphs.
- Scot.* Scotland;—Scottish.
- Scot. Jur.* Scottish Jurist, Edinburgh.
- Scot. L. J.* Scottish Law Journal, Glasgow.
- Scot. L. M.* Scottish Law Magazine, Edinburgh.
- Scot. L. R.* Scottish Law Reporter, Edinburgh;—Scottish Law Review, Glasgow.
- Scot. L. T.* Scot Law Times, Edinburgh.
- Scott.* Scott's English Common Pleas Reports;—Scott's New York Civil Procedure.
- Scott J.* Reporter, English Common Bench Reports.
- Scott N. R.* Scott's New Reports, English Common Pleas.
- Scr. L. T.* Scranton Law Times, Pennsylvania.
- Scrat. Life As.* Scratchley on Life Assurance.
- Scrib. Dow.* Scribner on Dower.
- Scriv. Cop.* Scriven on Copyholds.
- Seab. V. & P.* Seaborne on Vendors and Purchasers.
- Searle & Sm.* Searle and Smith's Reports, English Probate and Divorce.
- Seat. F. Ch.* Seaton's Forms in Chancery.
- Seb. T. M.* or *Seb. Trade-Marks.* Sebastian on Trademarks.
- Sec.* Section.
- Sec. leg. Secundum legum* (according to law).
- Sec. reg. Secundum regulam* (according to rule).
- Secd. pt. Edw. III.* Part 3 of the Year Books.
- Secd. pt. H. VI.* Part 8 of the Year Books.
- Sedg. L. Cas.* Sedgwick's Leading Cases on the Measure of Damages;—Sedgwick's Leading Cases on Real Property.
- Sedg. Meas. D.* Sedgwick on the Measure of Damages.
- Sedg. St. L. or Sedg. St. & Const. Law.* Sedgwick on Statutory and Constitutional Law.
- Seign. or Seign. Rep.* Seigniorial Reports, Quebec.
- Sel. Cas.* Select Cases in Chancery, English.
- Sel. Cas. A. S. Law.* Select Cases in Anglo-Saxon Law.
- Sel. Cas. Ch.* Select Cases in Chancery (part 3 of Cases in Chancery).
- Sel. Cas. D. A.* Select Cases, Sudder Dewanny Adawlut, India.
- Sel. Cas. Ev.* Select Cases in Evidence, English.
- Sel. Cas. N. F.* Select Cases, Newfoundland Courts.
- Sel. Cas. N. W. P.* Selected Cases, Northwest Provinces, India.
- Sel. Cas. N. Y.* Yates's Select Cases, New York.
- Sel. Cas. t. Br.* Cooper's Select Cases *tempore* Brougham.
- Sel. Cas. t. King.* Select Cases in Chancery *tempore* King.
- Sel. Cas. t. Nap.* (Drury's) Select Cases *tempore* Napier, Irish Chancery.
- Sel. Cas. with Opin.* Select Cases with Opinions, by a Solicitor.
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- Sel. Dec. Bomb.* Selected Decisions, Sudder Dewanny Adawlut, Bombay.
- Sel. Dec. Mad. or Sel. Dec. Madr.* Selected Decrees, Sudder Udawlut, Madras.
- Sel. L. Cas.* Select Law Cases.
- Sel. Pr.* Sellon's Practice.
- Seld. or Seld. (N. Y.).* Selden's Reports, New York Ct. of Appeals Reports, vols. 5-10.
- Seld. Notes.* Selden's Notes of Cases, New York Court of Appeals.
- Seld. Tit. Hon.* Selden's Titles of Honor.
- Selden.* Selden's Reports, New York Court of Appeals.
- Self. Tr.* Selfridge's Trial.
- Sell. Pr.* Sellon's Practice in the King's Bench.
- Selw. N. P.* Selwin's Nisi Prius.
- Selw. & Barn.* The First Part of Barnewall & Alderson's English King's Bench Reports.
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- Sess. Cas.* Sessions Cases (English King's Bench Reports);—Scotch Court of Session Cases.
- Sess. Cas. Sc.* Session Cases, Scotch Court of Session.
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- Sett. Cas.* Settlement Cases.
- Sett. & Rem. Cas.* English Settlement & Removal Cases (Burrow's Settlement Cases).
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- ley's Reports, vols. 49-55 New Hampshire;—Sheldon's Buffalo, New York, Superior Court Reports;—Shepherd's Reports, Alabama;—Shipp's Reports, vols. 66, 67 North Carolina;—Shand's Reports, vols. 11-44 South Carolina;—Shadforth's Reserved Judgments, Victoria.
- Sh. App.* Shaw's Appeal Cases, English House of Lords, Appeals from Scotland.
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- Sh. Dig.* Shaw's Digest of Decisions, Scotland.
- Sh. Jus.* Shaw's Justiciary Cases, Scotland.
- Sh. W. & C.* Shaw, Wilson and Courtney's Reports, English House of Lords, Scotch Appeals (Wilson and Shaw's Reports).
- Sh. & Dunl.* Shaw and Dunlop's Reports, First Series, Scotch Court of Session.
- Sh. & MacI.* Shaw and Maclean's Appeal Cases, English House of Lords.
- Shad.* Shadford's Victoria Reports.
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- Sharsw. Comm. Law.* Sharswood on Commercial Law.
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- Shearm. & Red. Neg.* Shearman and Redfield on the Law of Negligence.
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- Shel. Ca.* Shelley's Case in vol. 1 Coke's Reports.
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- Smith.* See *Sm.* Smith's New Hampshire Reports; Smith's Reports, vols. 2-4 Dakota;—J. P. Smith's English King's Bench Reports;—Smith, in continuation of Fox & Smith;—Smith, English Registration;—P. F. Smith's Pennsylvania State Reports;—E. P. Smith's Reports, vols. 15-27 New York Court of Appeals;—E. D. Smith's New York Common Pleas Reports;—E. H. Smith's Reports, vols. 147-162 New York Court of Appeals;—Smith's Reports, vols. 54-62 California;—Smith's Indiana Reports;—Smith's Reports, vols. 61-64 Maine;—Smith's Reports, vols. 1-11 Wisconsin;—E. B. Smith's Reports, vols. 21-47 Illinois Appeals;—Smith, Reporter vols. 7, 12 Heiskell's Tennessee Reports;—Smith's Reports, vols. 81-101 Missouri Appeals.
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- Smith de Rep. Angl.* Smith (Sir Thomas), De Republica Anglica [The Commonwealth of England and the Manner of Government Thereof. 1621.]
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- Snell, Eq.* Snell's Principles in Equity.
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- Snyder Rel. Corp.* Snyder on Religious Corporations.
- So. Aus. L. R. or So. Austr. L. R.* South Australian Law Reports.
- So. Car.* South Carolina;—South Carolina Reports.
- So. Car. Const.* South Carolina Constitutional Reports (by Treadway, by Mill, or by Harper).
- So. Car. L. J.* South Carolina Law Journal, Columbia.
- So. East. Rep.* Southeastern Reporter.
- So. L. J.* Southern Law Journal and Reporter, Nashville, Tenn.
- So. L. R.* Southern Law Review, Nashville, Tenn.
- So. L. R. N. S.* Southern Law Review, New Series, St. Louis, Mo.
- So. L. T.* Southern Law Times.
- So. Rep.* Southern Reporter (commonly cited South. or So.).
- So. West. L. J.* Southwestern Law Journal, Nashville, Tenn.
- So. West. Rep.* Southwestern Reporter (commonly cited S. W.).
- Soc. Econ.* Social Economist.
- Sol. Gen.* Solicitor General.
- Sol. J.* Solicitor's Journal, London.
- Sol. J. & R.* Solicitors' Law Journal and Reporter, London.
- Somn. Gavelkind or Somner.* Somner on Gavelkind.
- Sou. Aus. L. R.* South Australian Law Reports.
- South.* Southard's Reports, New Jersey Law.
- South.* Southern Reporter.
- South Car.* South Carolina.
- South. L. J. & Rep.* Southern Law Journal and Reporter, Nashville, Tenn.
- South. L. Rev.* Southern Law Review, Nashville, Tenn.
- South. L. Rev. N. S.* Southern Law Review, New Series, St. Louis, Mo.
- Southard.* Southard's New Jersey Reports.
- Southw. L. J.* Southwestern Law Journal and Reporter.
- Sp.* Spink's English Ecclesiastical and Admiralty Reports;—Spears's South Carolina Law Reports.
- Sp. A.* Special Appeal.
- Sp. Ch. or Sp. Eq.* Spears's South Carolina Equity Reports.
- Sp. Laws.* Spirit of Laws, by Montesquieu.
- Sp. Pr. Cas.* Spink's Prize Cases.
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- Sparks.* Sparks's Reports, British Burmah.
Spaulding. Spaulding's Reports, vols. 71-80 Maine.
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Spear Extr. Spear's Law of Extradition.
Spears Eq. or Speers Eq. Spears's (or Speers's) South Carolina Equity Reports.
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Stat. Marl. Statute of Marlbridge.
Stat. Mer. Statute of Merton.
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Stock Non Com. Stock on the Law of Non Composites Mentis.
Stockett. Stockett's Reports, vols. 27-79 Maryland.
Stockt. Ch. Stockton's New Jersey Chancery Reports.
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Stone B. B. S. Stone on Benefit Building Societies.
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Story Ag. Story on Agency.
Story Bailm. Story on Bailments.
Story Bills. Story on Bills.
Story Comm. Story's Commentaries.
Story Conf. L. or Story, Conf. Laws. Story on Conflict of Laws.

- Story Const.* Story on the Constitution.
Story Cont. or *Story Contr.* Story on Contracts.
Story Eq. Jur. Story's Equity Jurisprudence.
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Story, U. S. Laws. Story's Laws of the United States.
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Strange. Strange's Reports, English Courts.
Strange, Madras. Strange's Notes of Cases, Madras.
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Stringfellow. Stringfellow's Reports, vols. 9-11 Missouri.
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Stud. Hist. Studies in History, Economics and Public Law.
Sty. Style's English King's Bench Reports.
Sty. Pr. Reg. Style's Practical Register.
Sud. Dew. Ad. or *Sud. Dew. Adul.* Sudder Dewanny Adawlut Reports, India.
Sud. Dew. Rep. Sudder Dewanny Reports, N. W. Provinces, India.
Sugd. Est. Sugden on the Law of Estates.
Sugd. Pow. or *Sugd. Powers.* Sugden on Powers.
Sugd. Pr. Sugden on the Law of Property.
Sugd. Pr. St. Sugden on Property Statutes.
Sugd. Vend. or *Sugd. Vend. & P.* Sugden on Vendors and Purchasers.
Sull. Land Tit. Sullivan on Land Titles in Massachusetts.
Sull. Lect. Sullivan's Lectures on Constitution and Laws of England.
Sum. Summa, the summary of a law;—Sumner's United States Circuit Court Reports.
Sum. Ves. Sumner's Edition of Vesey's Reports.
Summ. Dec. Summary Decisions, Bengal.
Summerfield, S. Summerfield's (S.) Reports, vol. 21 Nevada.
Sumn. Sumner's Reports, U. S. Circuit Court, 1st Circuit.
Sumn. Ves. Sumner's Edition of Vesey's Reports.
Sup. Superseded;—Superior;—Supreme;—Supplement.
Sup. Ct. or *Sup. Ct. Rep.* Supreme Court Reporter of Decisions of United States Supreme Court.
Super. Superior Court;—Superior Court Reports.
Supp. Supplement;—New York Supplement Reports.
Supp. Ves. Jun. or *Supp. Ves. Jr.* Supplement to Vesey, Jr.'s Reports.
Supr. Supreme;—Superior Court Reports.
Supr. Ct. Rep. Federal & Supreme Court Reporter. All the Federal Courts.
Surr. Surrogate.
Susq. L. C. Susquehanna Leading Chronicle.
Suth. Sutherland's Reports, Calcutta.
Suth. Bengal. Sutherland's High Court Reports, Bengal.
Suth. Dam. Sutherland on the Law of Damages.
Suth. F. B. R. Sutherland's Full Bench Rulings, Bengal.
Suth. P. C. A. or *Suth. P. C. J.* Sutherland's Privy Council Judgments or Appeals.
Suth. W. R. or *Suth. W. Rep.* Sutherland's Weekly Reporter, Calcutta.
Suo. Swanton's English Chancery Reports;—Swabey's English Admiralty Reports;—Sweeney's New York Superior Court Reports;—Swan's Tennessee Reports;—Swinton's Scotch Justiciary Cases;—Swan;—Sweet;—Swift.
Swab. or Swab. Adm. or *Swab. Admr.* Swabey's Admiralty Reports, English.
Swab. & Tr. or *Swab. & Trist.* Swabey and Tristram's Reports, English Probate and Divorce.
Swan. Swan's Tennessee Reports;—Swanston's English Chancery Reports.
Swan '41. Swan's Revised Statutes of Ohio, 1841.
Swan '54. Swan's Revised Statutes of Ohio, 1854.
Swan. Ch. Swanston's English Chancery Reports.
Swan Ecc. Cas. Swan on the Jurisdiction of Ecclesiastical Courts.
Swan Just. Swan's Justice.
Swan Pl. & Pr. Swan's Pleading and Practice.
Swan Pr. Swan's Practice.
Swan Tr. Swan's Treatise, Ohio.
Swans. Swanston's Reports, English Chancery.
Swans. or Swanst. Swanston's English Chancery Reports.
Sween. or Sweeney. Sweeney's New York Superior Court Reports, vols. 31, 32.
Sweet. Sweet's Law Dictionary;—Sweet on the Limited Liability Act;—Sweet's Marriage Settlement Cases;—Sweet's Precedents in Conveyancing;—Sweet on Wills.
Sweet M. Sett. Cas. Sweet's Marriage Settlement Cases.
Sweet Pr. Conv. Sweet's Precedents in Conveyancing.
Swift Dig. Swift's Digest, Connecticut.
Swift Sys. Swift's System of the Laws of Connecticut.
Swin. or Swin. Jus. Cas. Swinton's Scotch Justiciary Cases.
Swin. Reg. App. Swinton's Scotch Registration Appeal Cases.
Swinb. Des. Swinburne on the Law of Descents.
Swinb. Mar. Swinburne on Marriage.
Swinb. Spo. Swinburne on Spousals.
Swinb. Wills. Swinburne on Wills.
Swint. Swinton's Justiciary Cases, Scotland.
Syd. App. Sydney on Appeals.
Syme. Syme's Justiciary Cases, Scotland.
Syn. Ser. Synopsis Series of the U. S. Treasury Decisions.
T. Territory;—Tappan's Ohio Reports;—*Tempore*;—Title;—Trinity Term.
T. B. Mon. or *T. B. Monr.* T. B. Monroe's Kentucky Reports.
T. B. & M. Tracewell, Bowers & Mitchell, United States Comptroller's Decisions, 1898.
T. E. R. Tempore Regis Edwardi.
T. Jones or 2 Jones. T. Jones's English King's Bench and Common Pleas Reports.
T. L. Termes de la Ley.
T. L. R. Times Law Reports.

- T. R.* Term Reports, Durnford & East;—Teste Rege;—Dayton Term Reports.
T. R. E. or *T. E. R.* Tempore Regis Edwardi.
T. R. (N. Y.). Caines's (Term) Reports, New York.
T. R. N. S. Term Reports, New Series (East's Reports).
T. Raym. T. Raymond's Reports, English King's Bench.
T. T. Trinity Term.
T. T. R. Tarl Town Reports, New South Wales.
T. U. P. Charlt. T. U. P. Charlton's Reports, Georgia.
T. & C. Thompson and Cook's Reports, New York Supreme Court.
T. & G. Tyrwhitt and Granger's Reports, English Exchequer.
T. & M. Temple & Mew's Crown Cases, English.
T. & P. Turner and Phillips's Reports, English Chancery.
T. & R. Turner and Russell's Reports, English Chancery.
Tait. Tait's Manuscript Decisions, Scotch Session Cases.
Tait Ev. Tait on Evidence.
Tal. or *Talb.* Cases tempore Talbot, English Chancery.
Tam. Tamlyn's English Rolls Court Reports.
Taml. Tamlyn's Reports, English Chancery.
Taml. Ev. Tamlyn on Evidence.
Taml. T. Y. Tamlyn on Term of Years.
Tan. or *Tan. Dec.* or *Taney.* Taney's Decisions, by Campbell, United States Circuit Court, 4th Circuit.
Tann. or *Tanner.* Tanner's Reports, vols. 8-14 Indiana;—Tanner's Reports, vols. 13-17 Utah.
Tap. Tappan's Nisi Prius Reports, Ohio.
Tap. C. M. Tapping's Copyholder's Manual.
Tap. Man. Tapping on the Writ of Mandamus.
Tapp. Tappan's Nisi Prius Reports, Ohio.
Tapp M. & C. Tapp on the Law of Maintenance and Champerty.
Tarl. Term R. Tarleton's Term Reports, New South Wales.
Tas.-Lang. Const. His. Taswell-Langmead's Constitutional History of England.
Taun. or *Taunt.* Taunton's English Common Pleas Reports.
Tax Law Rep. Tax Law Reporter.
Tay. Taylor (see Taylor);—Taylor's Reports, Ontario.
Tay. J. L. or *Tay. N. C.* J. L. Taylor's North Carolina Reports.
Tay. U. C. Taylor's Upper Canada Reports.
Tay. & B. Taylor & Bell's Bengal Reports.
Tayl. Bank. L. Taylor on the Bankruptcy Law.
Tayl. Civ. L. or *Tayl. Civil Law.* Taylor on Civil Law.
Tayl. Ev. Taylor on Evidence.
Tayl. Gloss. Taylor's Law Glossary.
Tayl. Gov. Taylor on Government.
Tayl. Hist. Gav. Taylor (Silas), History of Gavelkind.
Tayl. (J. L.). Taylor's Reports, North Carolina Term Reports.
Tayl. L. & T. Taylor on Landlord and Tenant.
Tayl. Law Glos. Taylor's Law Glossary.
Tayl. Med. Jur. Taylor's Medical Jurisprudence.
Tayl. Pois. Taylor on Poisons.
Tayl. (U. C.). Taylor's Reports, Upper Canada King's Bench.
Tayl. Wills. Taylor on Wills.
Taylor. Taylor's North Carolina Reports;—Taylor's Upper Canada Reports;—Taylor's Bengal Reports.
Taylor U. C. Taylor's King's Bench Reports, Upper Canada (now Ontario).
Tech. Dict. Crabb's Technological Dictionary.
Techn. Dict. Crabb's Technological Dictionary.
Tel. The Telegram, London.
Temp. Tempore (in the time of).
Temp. Geo. II. Cases in Chancery tempore George II.
Temp. & M. Temple & Mew's English Crown Cases.
Ten. Cas. Thompson's Unreported Cases, Tennessee;—Shannon's Cases, Tennessee.
Tenn. Tennessee;—Tennessee Reports (Overton's).
Tenn. Ch. Tennessee Chancery Reports (Cooper's).
Tenn. Leg. Rep. Tennessee Legal Reporter, Nashville.
Term. Term Reports, English King's Bench (Durnford and East's Reports).
Term N. C. Term Reports, North Carolina, by Taylor.
Term R. Term Reports, English King's Bench (Durnford & East's Reports).
Termes de la Ley. Les Termes de la Ley.
Terr. Territory;—Terrell's Reports, vols. 52-71 Texas.
Terr. & Wal. or *Terr. & Walk.* Terrell and Walker's Reports, Texas Reports, vols. 38-51.
Tex. Texas;—Texas Reports.
Tex. App. Texas Court of Appeals Reports (Criminal Cases);—Texas Civil Appeals Cases.
Tex. Civ. App. or *Tex. Civ. Rep.* Texas Civil Appeals Reports.
Tex. Cr. App. Texas Criminal Appeals.
Tex. Crim. Rep. Texas Criminal Reports.
Tex. Ct. Rep. Texas Court Reporter.
Tex. L. J. Texas Law Journal, Tyler, Texas.
Tex. Supp. Supplement to vol. 25, Texas Reports.
Tex. Unrep. Cas. Texas Unreported Cases, Supreme Court.
Th. Thomas (see Thom.);—Thomson (see Thom.);—Thompson (see Thom.).
Th. B. & N. Thomson on Bills and Notes.
Th. Br. Thesaurus Brevium.
Th. C. Theodon Capitula et Fragmenta.
Th. C. C. Thacher's Criminal Cases, Massachusetts.
Th. C. Const. Law. Thomas's Leading Cases in Constitutional Law.
Th. Dig. Thelwall's Digest.
Th. Ent. Thompson's Entries.
Th. & C. Thompson & Cook's New York Supreme Court Reports.
Thac. Cr. Cas. or *Thach. Cr. Cas.* Thacher's Criminal Cases, Massachusetts.
Thayer. Thayer's Reports, vol. 18 Oregon.
Thayer Cas. Ev. Thayer's Select Cases on Evidence.
Thayer Cont. L. Thayer's Cases on Constitutional Law.
The Rep. The Reporter;—The Reports (Coke's Reports).
Them. La Themis, Montreal, Quebec;—The American Themis, New York.
Themis. The American Themis, New York.
Theo. Pr. & S. Theobald on Principal and Surety.
Theo. Wills. Theobald on Construction of Wills.
Thes. Brev. Thesaurus Brevium.
Tho. Thomas (see Thom.);—Thomson (see Thom.);—Thompson (see Thom.).
Thom. Thomson's Reports, Nova Scotia;—Thomas's Reports, vol. 1 Wyoming.
Thom. Bills. Thomson on Bills and Notes.
Thom. Co. Litt. Thomas's Edition of Coke upon Littleton.
Thom. Const. L. Thomas's Leading Cases on Constitutional Law.
Thom. Dec. 1 Thomson, Nova Scotia Reports.
Thom. L. C. Thomas's Leading Cases on Constitutional Law.
Thom. Mort. Thomas on Mortgages.
Thom. Rep. 2 Thomson, Nova Scotia Reports.
Thom. Sc. Acts. Thomson's Scottish Acts.
Thom. Sel. Dec. Thomson's Select Decisions, Nova Scotia.
Thom. U. Jur. Thomas on Universal Jurisprudence.
Thom. (Wy.). Thomas's Reports, Wyoming.
Thom. & Fr. Thomas & Franklin's Reports, Maryland Ch. Dec., vol. 1.
Thomas. Thomas's Reports, Wyoming Territory.
Thomas, Mortg. Thomas on Mortgages.
Thomp. B. B. S. Thompson on Benefit Building Societies.
Thomp. (Cal.). Thompson's Reports, California Reports, vols. 39-40.
Thomp. Car. Thompson on Carriers.
Thomp. Ch. Jury. Thompson on Charging the Jury.

- Thomp. Cit.* Thompson's Citations, Ohio;—Indiana.
- Thomp. Corp.* Thompson on Corporations.
- Thomp. Ent.* Thompson's Entries.
- Thomp. High.* Thompson on the Law of Highways.
- Thomp. Home. & Exem.* Thompson on Homestead and Exemption.
- Thomp. Liab. Off.* Thompson's Cases on Liability of Officers of Corporations.
- Thomp. Liab. Stockh.* Thompson on Liability of Stockholders.
- Thomp. N. B. Cas.* Thompson's National Bank Cases.
- Thomp. (N. S.).* Thompson's Reports, Nova Scotia.
- Thomp. Neg.* Thompson's Cases on Negligence.
- Thomp. Rem.* Thompson's Provisional Remedies.
- Thomp. Tenn. Cas.* Thompson's Unreported Tennessee Cases.
- Thomp. & C. Thompson & Cook's* New York Supreme Court Reports.
- Thompson.* Thompson's Reports, vols. 39, 40 California;—Thompson's Nova Scotia Reports.
- Thor.* Thornton's Reports, vol. 107 Alabama.
- Thorn.* Thornton's Notes of Cases Ecclesiastical and Maritime, English.
- Thorn. Conv.* Thornton's Conveyancing.
- Thorpe.* Thorpe's Reports, vol. 52 Louisiana Annual.
- Thos.* Thomas (see Thom.).
- Throop Ag. or Throop V. Ag.* Throop on Verbal Agreements.
- Tich. Tr. or Tichb. Tr.* Report of the Tichborne Trial, London.
- Tidd.* Tidd's Costs;—Tidd's Practice.
- Tidd Pr.* Tidd's Practice.
- Tidd Pr. Tidd's* Practice in the King's Bench.
- Tiff.* Tiffany's Reports, vols. 28-39 New York Court of Appeals.
- Tiff.* Tiffany's Reports, New York Court of Appeals Reports, vols. 28-39.
- Tiff. & B. Tr.* Tiffany and Bullard on Trusts and Trustees.
- Tiff. & S. Pr.* Tiffany and Smith's Practice, New York.
- Tiffany.* Tiffany's Reports, vols. 28-39 New York Court of Appeals.
- Till. Prec.* Tillinghast's Precedents.
- Till. & Sh. Pr.* Tillinghast and Shearman's Practice.
- Till. & Yates App.* Tillinghast and Yates on Appeals.
- Tillman.* Tillman's Reports, vols. 68, 69, 71, 73, 75 Alabama.
- Times L. R.* Times Law Reports.
- Tinw.* Tinwald's Reports, Scotch Court of Session.
- Tit.* Title.
- To. Jo.* Sir Thomas Jones's English King's Bench Reports.
- Tobey.* Tobey's Reports, vols. 9-10 Rhode Island.
- Toll. Ex.* Toller on Executors.
- Tomk. Inst. or Tomk. R. L.* Tompkins's Institutes of Roman Law.
- Tomk. & J. R. L.* Tompkins and Jeckens's Roman Law.
- Tomkins & J. Mod. Rom. Law.* Tompkins & Jencken, Compendium of the Modern Roman Law.
- Toml. or Toml. Cas.* Tomlin's Election Evidence Cases.
- Toml. L. D.* Tomlin's Law Dictionary.
- Toml. Supp. Br.* Tomlin's Supplement to Brown's Parliamentary Cases.
- Tor. Deb.* Torbuck's Reports of Debates.
- Tot. or Toth.* Tothill's English Chancery Reports.
- Touch.* Sheppard's Touchstone.
- Toull. or Toull. Dr. Civ. or Toull. Droit Civil Fr. or Toullier, Dr. Civ. Fr.* Toullier's Droit Civil Français.
- Town. Sl. & L.* Townshend on Slander and Libel.
- Town. St. Tr.* Townshend's Modern State Trials.
- Town. Sum. Proc.* Townshend's Summary Proceedings by Landlords against Tenants.
- Townsh. Pl.* Townshend's Pleading.
- Tr.* Translation;—Translator.
- Tr. App.* New York Transcript Appeals.
- Tr. Ch.* Transactions of the High Court of Chancery (Tothill's Reports).
- Tr. Eq.* Treatise of Equity, by Fonblanque.
- Tr. & H. Pr.* Troubat and Haly's Practice, Pennsylvania.
- Tr. & H. Prec.* Troubat and Haly's Precedents of Indictments.
- Trace. & M.* Tracewell and Mitchell, United States Comptroller's Decisions.
- Traill Med. Jur.* Traill on Medical Jurisprudence.
- Train & H. Prec.* Train and Heard's Precedents of Indictments.
- Traité du Mar.* Pothier, Traité du Contrat de Mariage.
- Trans. App.* Transcript Appeals, New York.
- Trat. Jur. Mer.* Tratade de Jurisprudentia Mercantil.
- Trav. Tw. L. of N.* Travers Twiss on the Law of Nations.
- Tray. Lat. Max. or Leg. Max.* Trayner, Latin Maxims and Phrases, etc.
- Tread. or Tread. Const. (S. C.).* Treadway's South Carolina Constitutional Reports.
- Treb. Jur. de la Méd.* Trebuchet, Jurisprudence de la Médecine.
- Tred.* Tredgold's Reports, Cape Colony.
- Trem.* Tremaine's Pleas of the Crown.
- Trev. Tax. Suc.* Trevor on Taxes on Succession.
- Tri. Bish.* Trial of the Seven Bishops.
- Tri. E. of Cov.* Trial of the Earl of Coventry.
- Tri. per Pais.* Trials per Pais.
- Trib. Civ.* Tribunal Civil.
- Trib. de Com.* Tribunal de Commerce.
- Trin. or Trin. T.* Trinity Term.
- Tripp.* Tripp's Reports, vols. 5-6 Dakota.
- Tristram.* Tristram's Supplement to vol. 4 Swabey & Tristram.
- Trop. Dr. Civ.* Troplong's Droit Civil.
- Troub. Lim. Part. or Troub. Lim. Partn.* Troubat on Limited Partnerships.
- Troub. & H. Pr.* Troubat and Haly's Practice, Pennsylvania.
- Tru. Railw. Rep.* Truman's Railway Reports.
- True.* Trueman's New Brunswick Reports and Equity Cases.
- Tuck.* Tucker's New York Surrogate Reports;—Tucker's Select Cases, Newfoundland;—Tucker's Reports, vols. 156-175 Massachusetts;—Tucker's District of Columbia Appeals Reports.
- Tuck. Bla. Com.* Blackstone's Commentaries, by Tucker.
- Tuck. Lect.* Tucker's Lectures.
- Tuck. Pl.* Tucker's Pleadings.
- Tuck. Sel. Cas.* Tucker's Select Cases, Newfoundland Courts.
- Tuck. Surr.* Tucker's Surrogate Reports, City of New York.
- Tuck. & Cl.* Tucker and Clephane's Reports, D. of Col., vol. 21.
- Tud. Cas. Merc. Law.* Tudor's Leading Cases on Mercantile Law.
- Tud. Cas. R. P.* Tudor's Leading Cases on Real Property.
- Tud. Char. Tr. or Tud. Char. Trusts.* Tudor on Charitable Trusts.
- Tud. L. Cas. or Tud. L. Cas. M. L.* Tudor's Leading Cases on Mercantile Law.
- Tud. L. Cas. R. P.* Tudor's Leading Cases on Real Property.
- Tudor, Lead. Cas. Real Prop.* Tudor's Leading Cases on Real Property.
- Tup. App.* Tupper's Appeal Reports, Ontario.
- Tupper.* Tupper's Reports, Ontario Appeals;—Tupper's Upper Canada Practice Reports.
- Turn.* Turner & Russell's English Chancery Reports.
- Turn.* Turner's Reports, vols. 99-101 Kentucky;—Turner's Reports, vols. 35, 48 Arkansas.
- Turn. Anglo Sax.* Turner, History of the Anglo Saxons.
- Turn. (Ark.).* Turner's Reports, Arkansas, vols. 35-48.
- Turn. Ch. Pr.* Turner on Chancery Practice.
- Turn. Pr.* Turnbull's Practice, New York.

- Turn. & Ph.* Turner and Phillip's Reports, English Chancery.
- Turn. & R. or Turn. & Rus. or Turn. & Russ.* Turner & Russell's English Chancery Reports.
- Tutt.* Tuttle's Reports, California.
- Tutt. & Carp.* Tuttle and Carpenter's Reports, California Reports, vol. 52.
- Tuttle.* Tuttle's Reports, vols. 23-32 and 41-52 California.
- Tuttle & Carpenter.* Tuttle & Carpenter's Reports, vol. 52 California.
- Twiss L. of Nat.* Twiss's Law of Nations.
- Ty.* Tyler.
- Tyl. or Tyler.* Tyler's Vermont Reports.
- Tyler Bound. & Fences.* Tyler's Law of Boundaries and Fences.
- Tyler Ecc.* Tyler on American Ecclesiastical Law.
- Tyler Ej.* Tyler on Ejectment and Adverse Enjoyment.
- Tyler Fixt.* Tyler on Fixtures.
- Tyler Inf.* Tyler on Infancy and Coverture.
- Tyler Us.* Tyler on Usury.
- Tyng.* Tyng's Reports, vols. 2-17 Massachusetts.
- Tyr. or Tyro.* Tyrwhitt & Granger's English Exchequer Reports.
- Tyr. & Gr.* Tyrwhitt & Granger's English Exchequer Reports.
- Tyrw.* Tyrwhitt's Reports, English Exchequer.
- Tyrw. & G.* Tyrwhitt and Granger's Reports, English Exchequer.
- Tytler, Mil. Law.* Tytler on Military Law and Courts-Martial.
- U.* Utah;—Utah Reports.
- U. B.* Upper Bench.
- U. B. Pr. or U. B. Prec.* Upper Bench Precedents *tempore* Car. I.
- U. C.* Upper Canada.
- U. C. App.* Upper Canada Appeal Reports.
- U. C. C. P.* Upper Canada Common Pleas Reports.
- U. C. Ch.* Upper Canada Chancery Reports.
- U. C. Cham.* Upper Canada Chambers Reports.
- U. C. Chan.* Upper Canada Chancery Reports.
- U. C. E. & A.* Upper Canada Error and Appeals Reports.
- U. C. Jur.* Upper Canada Jurist.
- U. C. K. B.* Upper Canada King's Bench Reports, Old Series.
- U. C. L. J.* Upper Canada Law Journal, Toronto.
- U. C. O. S.* Upper Canada Queen's Bench Reports, Old Series.
- U. C. P. R.* Upper Canada Practice Reports.
- U. C. Pr.* Upper Canada Practice Reports.
- U. C. Q. B.* Upper Canada Queen's Bench Reports.
- U. C. Q. B. O. S.* Upper Canada Queen's (King's) Bench Reports, Old Series.
- U. C. R.* Queen's Bench Reports, Ontario.
- U. C. Rep.* Upper Canada Reports.
- U. K.* United Kingdom.
- U. S.* United States;—United States Reports.
- U. S. Ap.* United States Appeals Reports.
- U. S. App.* United States Appeals, Circuit Courts of Appeals.
- U. S. C. C.* United States Circuit Court;—United States Court of Claims.
- U. S. C. S.* United States Civil Service Commission.
- U. S. Comp. St.* United States Compiled Statutes.
- U. S. Comp. St. Supp.* United States Compiled Statutes Supplement.
- U. S. Crim. Dig.* United States Criminal Digest, by Waterman.
- U. S. Ct. Cl.* Reports of the United States Court of Claims.
- U. S. D. C.* United States District Court;—United States District of Columbia.
- U. S. Dig.* Abbott's United States Digest.
- U. S. Eq. Dig.* United States Equity Digest.
- U. S. Jur.* United States Jurist, Washington, D. C.
- U. S. L. Int.* United States Law Intelligencer (Angell's), Providence and Philadelphia.
- U. S. L. J.* United States Law Journal, New Haven and New York.
- U. S. L. M. or U. S. Law Mag.* United States Law Magazine (Livingston's), New York.
- U. S. R.* United States Supreme Court Reports.
- U. S. Reg.* United States Register, Philadelphia.
- U. S. R. S.* United States Revised Statutes.
- U. S. Rev. St.* United States Revised Statutes.
- U. S. S. C. Rep.* United States Supreme Court Reports.
- U. S. St. at L. or U. S. Stat.* United States Statutes at Large.
- U. S. St. Tr.* United States State Trials (Wharton's).
- U. S. Sup. Ct. Rep.* United States Supreme Court Reporter.
- Ulm. L. Rec.* Ulman's Lawyer's Record, New York.
- Ulp.* Ulpian's Fragments.
- Underh. Torts.* Underhill on Torts.
- Up. Ben. Pre.* Upper Bench Precedents, *tempore* Car. I.
- Up. Can.* Upper Canada (see U. C.).
- Upt. Mar. W. & Pr.* Upton on Maritime Warfare and Prize.
- Url. Trust.* Urling on Trustees.
- Utah.* Utah Reports.
- V.* Vermont;—Vermont Reports;—Virginia;—Virginia Reports;—Versus. Victoria. Victorian.
- V. A. C. or V. Adm.* Vice-Admiralty Court.
- V. C.* Vice-Chancellor. Vice-Chancellor's Court.
- V. C. C.* Vice-Chancellor's Court.
- V. C. Rep.* Vice-Chancellor's Reports, English.
- V. L. R.* Victorian Law Reports, Australia. (For Victorian see Vict.)
- V. N.* Van Ness's Prize Cases.
- V. O.* De Verborum Obligationibus.
- V. R.* Vermont Reports.
- V. S.* De Verborum Significatione.
- V. & B.* Vesey & Beames' English Chancery Reports.
- V. & S.* Vernon and Scriven's Reports, Irish King's Bench.
- Va.* Virginia;—Virginia Reports;—Gilmer's Virginia Reports.
- Va. Bar Assn.* Virginia State Bar Association.
- Va. Cas.* Virginia Cases (by Brockenbrough & Holmes).
- Va. Ch. Dec.* Chancery Decisions, Virginia.
- Va. L. J.* Virginia Law Journal, Richmond.
- Va. R.* Virginia Reports;—Gilmer's Virginia Reports.
- Val. Com.* Valen's Commentaries.
- Vall. Ir. L.* Vallencey's Ancient Laws of Ireland.
- Van Hay. Eq.* Van Haythuyen's Equity Draftsman.
- Van Hay. Mar. Ev.* Van Haythuyer on Maritime Evidence.
- Van K.* Van Koughnet's Reports, vols. 15-21 Upper Canada Common Pleas.
- Van L.* Vander Linden's Practice, Cape Colony.
- Van N. or Van Ness.* Van Ness's Prize Cases, United States District Court New York.
- Van Sant. Eq. Pr.* Van Santvoord's Equity Practice.
- Van Sant. Pl.* Van Santvoord's Pleadings.
- Van Sant. Prec.* Van Santvoord's Precedents.
- Vanderstr.* Vanderstraaten's Ceylon Reports.
- Vatt.* Vattel's Law of Nations.
- Vatt. Law Nat. (or Vattel).* Vattel's Law of Nations.
- Vaug. or Vaugh. or Vaughan.* Vaughan's English Common Pleas Reports.
- Vaux.* Vaux's Recorder's Decisions, Philadelphia.
- Vaz. Extrad.* Vazclhes's Etude sur l'Extradition.
- Ve. or Ves.* Vesey's English Chancery Reports.
- Ve. & B. or Vcs. & B.* Vesey & Beames' English Chancery Reports.
- Veaz. or Veazey.* Veazey's Reports, vols. 36-46 Vermont.
- Vend. Ex.* Venditioni Exponas.
- Vent. or Ventr.* Ventris's English Common Pleas Reports;—Ventris's English King's Bench Reports.
- Vcr. or Verm.* Vermont Reports.
- Vern.* Vernon's Reports, English Chancery.
- Vern. & Sc. or Vern. & Scr. or Vern. & Scriv.* Vernon & Scriven's Irish King's Bench Reports.
- Verpl. Contr.* Verplanck on Contracts.
- Verpl. Ev.* Verplanck on Evidence.
- Ves.* Vesey, Senior's Reports, English Chancery.

- Ves. Jr. or Ves. Jun.* Vesey, Junior's Reports, English Chancery.
- Ves. Jun. Supp.* Supplement to Vesey, Jr.'s, English Chancery Reports, by Hovenden.
- Ves. Sen. or Ves. Sr.* Vesey, Sr.'s, English Chancery Reports.
- Ves. & B. or Ves. & Bea. or Ves. & Beam.* Vesey & Beames's English Chancery Reports.
- Vet. Entr.* Old Book of Entries.
- Vet. N. B. or Vet. Na. B.* Old Natura Brevium.
- Vez.* Vezey's (Vesey's) English Chancery Reports.
- Vic. or Vict.* Queen Victoria.
- Vicat. or Vicat. Voc. Jur.* Vocabularium jurisutrisque, ex variis editis.
- Vict.* Queen Victoria.
- Vict. C. S.* Victorian Consolidated Statutes.
- Vict. L. R.* Victorian Law Reports, Colony of Victoria, Australia.
- Vict. L. R. Min.* Victorian Mining Law Reports.
- Vict. L. T.* Victorian Law Times, Melbourne.
- Vict. Rep.* Victorian Reports, Colony of Victoria.
- Vict. Rev.* Victorian Review.
- Vict. St. Tr.* Victorian State Trials.
- Vid. Entr.* Vidian's Entries.
- Vil. & Br.* Vilas & Bryant's Edition of the Wisconsin Reports.
- Vilas.* Vilas's New York Criminal Reports.
- Vin. Abr.* Viner's Abridgment.
- Vin. Supp.* Supplement to Viner's Abridgment.
- Vincens Leg. Com.* Vincens's Legislation Commerciale.
- Vinn.* Vinnius.
- Vint. Can. L.* Vinton on American Canon Law.
- Vir.* Virgin's Reports, Maine.
- Virg.* Virginia (see Va.);—Virginia.
- Virg. Cas.* Virginia Cases.
- Virg. L. J.* Virginia Law Journal.
- Virgin.* Virgin's Reports, vols. 52-60 Maine;—Virginia (see Va.).
- Viz.* Videlicet, That is to say.
- Vo.* Verbo.
- Voet, Com. ad Pand.* Voet, Commentarius ad Pandectas.
- Von Holst Const. His.* Von Holst's Constitutional History of the U. S.
- Voorh. Code.* Voorhies's Code, New York.
- Voorh. Cr. Jur.* Voorhies on the Criminal Jurisprudence of Louisiana.
- Vr. or Vroom.* Vroom's Reports, New Jersey Law Reports, vols. 30-56.
- Vroom (G. D. W.).* G. D. W. Vroom's Reports, vols. 36-63 New Jersey Law.
- Vroom (P. D.).* P. D. Vroom's Reports, vols. 30-35 New Jersey Law.
- Vs.* Versus.
- Vt.* Vermont;—Vermont Reports.
- W.* King William; thus 1 W. I. signifies the first year of the reign of King William I.;—Wheaton's United States Supreme Court Reports;—Wendell's New York Reports;—Watts' Reports, Pennsylvania;—Weekly;—Wisconsin;—Wyoming;—Wright's Ohio Reports;—Statute of Westminster.
- W. A.* Western Australia.
- W. Bl. or W. Bla.* Sir William Blackstone's English King's Bench and Common Pleas Reports.
- W. C. C.* Washington's United States Circuit Court Reports.
- W. Coast Rep.* West Coast Reporter.
- W. Ent.* Winch's Book of Entries.
- W. H. Chron.* Westminster Hall Chronicle, London.
- W. H. & G.* Welsby, Hurlstone and Gordon's Reports, English Exchequer Reports, vols. 1-9.
- W. J.* Western Jurist, Des Moines, Iowa.
- W. Jo. or W. Jones.* Wm. Jones's Reports, English Courts.
- W. Kel.* Wm. Kelynge's Reports, English King's Bench and Chancery.
- W. L. Gaz.* Western Law Gazette, Cincinnati, O.
- W. L. Jour.* Western Law Journal, Cincinnati, O.
- W. L. M.* Western Law Monthly, Cleveland, O.
- W. L. R.* Washington Law Reporter, Washington, D. C.
- W. N.* Weekly Notes, London.
- W. N. Cas.* Weekly Notes of Cases, Philadelphia.
- W. P. Cas.* Wollaston's English Bail Court (Practice) Cases.
- W. R.* Weekly Reporter, London;—Weekly Reporter, Bengal;—Wendell's New York Reports;—Wisconsin Reports;—West's Reports (English Chancery).
- W. R. Calc.* Southerland's Weekly Reporter, Calcutta.
- W. Rep.* West's Reports temp. Hardwicke, English Chancery.
- W. Rob.* W. Robinson's English Admiralty Reports.
- W. T. R.* Weekly Transcript Reports, New York.
- W. Ten.* Wright's Tenures.
- W. Ty. R.* Washington Territory Reports.
- W. Va.* West Virginia;—West Virginia Reports.
- W. W. & A. B.* Vict. Wyatt, Webb & A'Beckett's Reports, Victoria.
- W. W. & D.* Willmore, Wollaston and Davison's Reports, English Queen's Bench.
- W. W. & H.* Willmore, Wollaston and Hodge's Reports, English Queen's Bench.
- W. & B. Dig.* Walker & Bates's Digest, Ohio.
- W. & Buh.* West & Buhler's Collection of Futwabs, India.
- W. & C.* Wilson & Courtenay's Scotch Appeal Cases (see Wilson & Shaw).
- W. & L. Dig.* Wood & Long's Digest, Illinois.
- W. & M.* Woodbury & Minot's United States Circuit Court Reports;—William & Mary.
- W. & S. Watts & Sergeant's* Pennsylvania Reports;—Wilson & Shaw's Scotch Appeal Cases.
- W. & S. App.* Wilson and Shaw's Scotch Appeals, English House of Lords.
- W. & T. Eq. Ca. or W. & T. L. C.* White & Tudor's Leading Cases in Equity.
- W. & W.* White & Wilson's Texas Court of Appeals, Civil Cases.
- W. & W. Vict.* Wyatt & Webb's Victorian Reports.
- Wa.* Watts's Reports, Pennsylvania;—Wales.
- Wadd. Dig.* Waddilove's Digest of English Ecclesiastical Cases.
- Wade Notice.* Wade on the Law of Notice.
- Wade Retro. L.* Wade on Retroactive Laws.
- Wait Act. & Def.* Wait's Actions and Defence.
- Wait Dig.* Wait's Digest, New York.
- Wait Pr.* Wait's New York Practice.
- Wait St. Pap.* Wait's State Papers of the United States.
- Wal.* Wallace (see Wall.).
- Wal. by L.* Wallis's Irish Reports, by Lyne.
- Wal. Jr.* Wallace's (J. W.) United States Circuit Court Reports.
- Wal. Sr.* Wallace's (J. B.) United States Circuit Court Reports.
- Wal. Railw.* Walford on Railways.
- Walk.* Walker's Mississippi Reports;—Walker's Michigan Chancery Reports;—Walker's Reports, vols. 25, 72-88 Texas;—Walker's Reports, vols. 1-10 Texas Civil Appeals;—Walker's Reports, vols. 96, 109 Alabama;—Walker's Pennsylvania Reports.
- Walk. Am. L.* Walker's Introduction to American Law.
- Walk. Bank. L.* Walker on Banking Law.
- Walk. Ch. or Walk. Ch. Cas.* Walker's Chancery Cases, Michigan.
- Walk. Com. L.* Walker's Theory of the Common Law.
- Walk. (Mich.).* Walker's Reports, Michigan Chancery.
- Walk. (Miss.).* Walker's Reports, Mississippi Reports, vol. 1.
- Walk. (Pa.).* Walker's Pennsylvania Reports.
- Walk. (Tex.).* Walker's Reports, Texas Reports, vol. 25.
- Walk. Wills.* Walker on Wills.
- Walker.* Walker's Reports, vols. 96, 109, Alabama;—Walker's Michigan Chancery Reports;—Walker's Mississippi Reports;—Walker's Pennsylvania Reports;—Walker's Reports, vols. 25, 72-88 Texas;—Walker's Reports, vols. 1-10 Texas Civil Appeals.
- Wall.* Wallace's United States Supreme Court Reports;—Wallace's (Sr.) United States Circuit Court Reports;—Wallace's Philadelphia Reports;—Wallis's Irish Chancery Reports.

- Wall. C. C.* Wallace's United States Circuit Court Reports, Third Circuit.
- Wall. Jr. or Wall. Jun.* Wallace, Junior's, Reports, U. S. Circuit Court, 3d Circuit.
- Wall. Pr.* Wallace's Principles of the Laws of Scotland.
- Wall. Rep.* Wallace on the Reporters;—Wallace's United States Supreme Court Reports.
- Wall. S. C.* Wallace's United States Supreme Court Reports.
- Wall. Sen.* Wallace's (J. B.) United States Circuit Court Reports.
- Wallis.* Wallis's Reports, Irish Chancery.
- Wallis by L.* Wallis's Irish Chancery Reports, by Lyne.
- Walsh.* Walsh's Registry Cases, Ireland.
- Ward.* Warden's Reports, Ohio;—Warden & Smith's Reports, Ohio.
- Ward, Leg.* Ward on Legacies.
- Ward Nat.* Ward on the Law of Nations.
- Ward. & Sm.* Warden and Smith's Reports, Ohio State Reports, vol. 3.
- Warden.* Warden's Reports, vols. 2, 4 Ohio State.
- Warden & Smith.* Warden & Smith's Reports, vol. 3 Ohio State.
- Ware.* Ware's Reports, United States District Court, Maine.
- Warr. Bla.* Warren's Blackstone.
- Warr. L. S.* Warren's Law Studies.
- Warth Code.* West Virginia Code, 1899.
- Warv. Abst.* Warvelle on Abstracts of Title.
- Wash.* Washington State Reports.
- Wash.* Washington;—Washington's Reports;—Washington's United States Circuit Court Reports;—Washington's Virginia Reports;—Washburn's Reports, vols. 16-23 Vermont.
- Wash. C. C.* Washington's United States Circuit Court Reports.
- Wash. L. Rep.* Washington Law Reporter, Washington, D. C.
- Wash. Ter.* Washington Territory Reports.
- Wash. Ter. N. S.* Allen's Washington Territory Reports, New Series.
- Wash. Ty.* Washington Territory Reports.
- Wash. (Va.).* Washington's Reports, Virginia.
- Wash. & Haz. P. E. I.* Washburn & Hazard's Reports, Prince Edward Island.
- Washb.* Washburn's Reports, Vermont.
- Washb. Cr. L.* Washburn on Criminal Law.
- Washb. Easem.* Washburn on Easements and Servitudes.
- Washb. R. P. or Washb. Real Prop.* Washburn on Real Property.
- Washburn.* Washburn's Reports, vols. 16-23 Vermont.
- Wat.* Watkins;—Watson.
- Wat. (C. G. H.).* Watermeyer's Cape of Good Hope Supreme Court Reports.
- Wat. Cr. Dig.* Waterman's Criminal Digest, United States.
- Wat. Cr. Proc.* Waterman's Criminal Procedure.
- Wat. Jus.* Waterman's Justice.
- Wat. Set-Off.* Waterman on Set-Off, etc.
- Wat. Tres.* Waterman on Trespass.
- Watermeyer.* Watermeyer's Cape of Good Hope Supreme Court Reports.
- Watk. Conv.* Watkins's Conveyancing.
- Watk. Copyh.* Watkins's Copyholds.
- Wats. Arb.* Watson on Arbitration.
- Wats. Cler. Law.* Watson's Clergyman's Law.
- Wats. Comp. or Wats. Comp. Eq.* Watson's Compendium of Equity.
- Wats. Const. Hist.* Watson's Constitutional History of Canada.
- Wats. Eq.* Watson's Compendium of Equity.
- Wats. Part.* Watson on Partnership.
- Wats. Sher.* Watson on Sheriffs.
- Watts.* Watts's Pennsylvania Reports;—Watts's Reports, vols. 16-24 West Virginia.
- Watts & S. or Watts & Ser. or Watts & Serg.* Watts & Sergeant's Pennsylvania Reports.
- Web. Pat.* Webster on Patents.
- Web. Pat. Cas.* Webster's Patent Cases, English Courts.
- Web. Tr.* The Trial of Professor Webster for Murder.
- Webb.* Webb's Reports, vols. 6-20 Kansas;—Webb's Reports, vols. 11-20 Texas Civil Appeals.
- Webb, A. B. & W.* Webb, A'Beckett & Williams's Victorian Reports, Australia.
- Webb, A. B. & W. Eg.* Webb, A'Beckett and Williams's Equity Reports, Victoria.
- Webb, A. B. & W. I. P. & M.* Webb, A'Beckett and Williams's Insolvency, Probate and Matrimonial Reports, Victoria.
- Webb, A. B. & W. Min.* Webb, A'Beckett and Williams's Mining Cases, Victoria.
- Webb. & D. or Webb & Duval.* Webb & Duval's Reports, vols. 1-3 Texas.
- Webbs.* Webster.
- Webbs. Pat. Cas.* Webster's Patent Cases, English Courts.
- Webst. Dict. or Webster.* Webster's Dictionary.
- Wedg. Gov. & Laws.* Wedgwood's Government and Laws of the U. S.
- Week. Reprtr.* Weekly Reporter, London;—Weekly Reporter, Bengal.
- Week. Trans. Repts.* Weekly Transcript Reports, New York.
- Weekl. Cin. L. B.* Weekly Cincinnati Law Bulletin.
- Weekl. Dig.* Weekly Digest, New York.
- Weekl. Jur.* Weekly Jurist, Illinois.
- Weekl. L. Record.* Weekly Law Record.
- Weekl. L. Rev.* Weekly Law Review, San Francisco, Cal.
- Weekl. No.* Weekly Notes of Cases, London.
- Weekl. No. Cas.* Weekly Notes of Cases, Philadelphia.
- Weekl. Reprtr.* Weekly Reporter, London.
- Weekl. Trans. Repts.* Weekly Transcript Reports, New York.
- Weeks Att. at Law or Weeks, Attys. at Law.* Weeks on Attorneys at Law.
- Weeks D. A. Inj.* Weeks, Damnum Absque Injuria.
- Weeks Dep.* Weeks on the Law of Deposition.
- Weight. M. & L.* Weightman's Marriage and Legitimacy.
- Weight. Med. Leg. Gaz.* Weightman's Medico-Legal Gazette, London.
- Wel.* Welsh's Irish Registry Cases.
- Welf. Eq. Pl.* Welford on Equity Pleading.
- Wells L. & F.* Wells's Questions of Law and Facts.
- Wells, Repl.* Wells on Replevin.
- Wells Res. Ad. & St. D.* Wells on *Res Adjudicata* and *Stare Decisis*.
- Wells Sep. Pr. of Mar. Wom.* Wells on Separate Property of Married Women.
- Welwo. Abr.* Wellwood's Abridgment of Sea Laws.
- Welsb., H. & G. or Welsby, H. & G.* Welsby, Hurlstone & Gordon's Reports, English Exchequer Reports, vols. 1-9.
- Welsh.* Welsh's Registry Cases, Ireland;—Welsh's Irish Cases at Sligo;—Welsh's (Irish) Case of James Feighny, 1838.
- Welsh Reg. Cas.* Welsh's Irish Registry Cases.
- Wend.* Wendell's Reports, New York Supreme Court.
- Wendt Mar. Leg.* Wendt on Maritime Legislation.
- Went. Ex. or Went. Off. Ex.* Wentworth on Executors.
- Went. Pl.* Wentworth on Pleading.
- Wenz.* Wenzell's Reports, vols. 60 — Minnesota.
- Wesk. Ins.* Weskett on Insurance.
- West.* West's Reports, English Chancery, *tempore Hardwicke*.
- West.* West's Reports, English House of Lords;—West's Reports, English Chancery;—Western Tithe Cases;—Weston's Reports, vols. 11-14 Vermont.
- West. Aus.* Western Australia.
- West Ch.* West's English Chancery Cases.
- West Co. Rep.* West Coast Reporter.
- West Coast Rep.* West Coast Reporter.
- West. Conf.* Westlake on Conflict of Laws.
- West H. L.* West's Reports, English House of Lords.
- West. Jur.* Western Jurist, Des Moines, Iowa.
- West. L. J. or West. Law Jour.* Western Law Journal, Cincinnati, Ohio.
- West. L. Mo. or West. Law Mo.* Western Law Monthly, Cleveland, Ohio.
- West. L. O.* Western Legal Observer, Quincy, Ill.

- West. L. T.* Western Law Times.
West. Leg. Obs. Western Legal Observer, Quincy, Ill.
West. Rep. Western Reporter, St. Paul.
West Symb. West's Symboleographie.
West. T. Cas. Western's Tithes Cases.
West t. H. West's Reports, English Chancery tempore Hardwicke.
West Va. West Virginia;—West Virginia Reports.
Westl. Priv. Int. Law or *Westlake Int. Private Law.* Westlake's Private International Law.
Westm. Statute of Westminster.
Westm. Rev. Westminster Review.
Weston. Weston's Reports, vols. 11-14 Vermont.
Weth. (U. C.). Wethey's Upper Canada Reports, Queen's Bench.
Wh. Wheaton's United States Supreme Court Reports;—Wharton's Pennsylvania Reports;—Wheeler's New York Criminal Reports.
Wh. Cr. Cas. Wheeler's Criminal Cases, New York.
Wh. & T. L. C. or *Wh. & T. L. Cas.* White and Tudor's Leading Cases, Equity.
Whar. Wharton's Pennsylvania Reports.
Whar. Dig. Wharton's Digest, Pennsylvania.
Whar. St. Tr. Wharton's State Trials, United States.
Whart. Wharton's Reports, Pennsylvania.
Whart. Ag. Wharton on Agency and Agents.
Whart. Confl. Wharton on Conflict of Laws.
Whart. Conv. Wharton's Conveyancing.
Whart. Cr. Law or *Whart. Crim. Law.* Wharton's Criminal Law.
Whart. Ev. Wharton on Evidence in Civil Issues.
Whart. Hom. Wharton on Homicide.
Whart. Law Dic. or *Whart. Lec.* Wharton's Law Lexicon.
Whart. Neg. Wharton on Negligence.
Whart. (Pa.). Wharton's Pennsylvania Reports.
Whart. Prec. Wharton's Precedents of Indictments.
Whart. St. Tr. or *Whart. State Tr.* Wharton's State Trials of the United States.
Whart. & S. Med. Jur. or *Whart. & St. Med. Jur.* Wharton & Stillé's Medical Jurisprudence.
Wheat. Wheaton's United States Supreme Court Reports.
Wheat. Cap. & Pr. Wheaton on Maritime Captures and Prizes.
Wheat. Hist. L. or *N.* or *Wheat. Hist. Law Nat.* Wheaton's History of the Law of Nations.
Wheat. Int. L. or *Wheat. Int. Law.* Wheaton's International Law.
Wheel. Wheeler's New York Criminal Cases;—Wheelock's Reports, vols. 32-37 Texas.
Wheel. Abr. Wheelers's Abridgment.
Wheel. Br. Cas. Wheeling Bridge Case.
Wheel. Cr. C. or *Wheel. Cr. Cas.* or *Wheeler, Cr. Cas.* Wheeler's Criminal Cases, New York.
Wheel. Cr. Rec. Wheeler's Criminal Recorder, New York, vol. 1 Wheeler's Criminal Cases.
Whish. L. D. Whishaw's Law Dictionary.
Whishaw. Whishaw's Law Dictionary.
Whit. Eq. Pr. Whitworth's Equity Precedents.
Whit. Pat. Cas. Whitman's Patent Cases, United States.
Whit. War P. Whiting on War Powers under the Constitution.
Whitak. Liens. Whitaker on Liens.
White. White's Reports, vols. 10-15 West Virginia;—White's Reports, vols. 30-40 Texas Court of Appeals;—White, Scotch Justiciary Reports.
White, Coll. White's New Collection of the Laws, etc., of Great Britain, France and Spain.
White L. L. White's Land Law of California.
White, New Recop. or *White Nov. Recop.* See *White, Recop.*
White Rec. or *White, Recop.* White, New Recopilation. A New Collection of Laws and Local Ordinances of Great Britain, France, and Spain, Relating to the Concessions of Land in Their Respective Colonies, with the Laws of Mexico and Texas on the Same Subjects.
White Supp. White on Supplement and Revivor.
White & T. L. Cas. White & Tudor's Leading Cases in Equity.
White & W. White & Willson's Reports, vol. 142 Texas Civil Appeals.
Whitm. Lib. Cas. Whitman's Massachusetts Libel Cases.
Whitm. Pat. Cas. Whitman's Patent Cases.
Whitm. Pat. L. Whitman's Patent Laws.
Whitm. Pat. Law Rev. Whitman's Patent Law Review, Washington, D. C.
Whitney. Whitney's Land Laws, Tennessee.
Whitt. Whittelsey's Reports, vols. 31-41 Missouri.
Whitt. Co. Whittaker's Codes, Ohio.
Wig. Disc. Wigram on Discovery.
Wig. Wills. Wigram on Wills.
Wight. or Wightw. Wightwick's English Exchequer Reports.
Wight El. Cas. Wight's Election Cases, Scotland.
Wil. Williams (see Will.);—Wilson (see Wils.).
Wilc. Wilcox's Reports, Ohio.
Wilc. Cond. Wilcox's Condensed Reports, Ohio.
Wilc. Mun. Corp. Wilcox on Municipal Corporations.
Wilcox. Wilcox's Reports, vol. 10 Ohio;—Wilcox, Pennsylvania.
Wilcox Cond. Wilcox, Condensed Ohio Reports.
Wild. Int. L. Wildman's International Law.
Wild. S. C. & P. Wildman on Search, Capture and Prize.
Wilde Sup. Wilde's Supplement to Barton's Conveyancing.
Wildm. Int. Law. Wildman's International Law.
Wilk. Wilkinson's Texas Court of Appeals and Civil Appeals;—Wilkinson's Reports, Australia.
Wilk. Leg. Ang. Sac. Wilkins's Leges Anglo-Saxonice.
Wilk. Lim. Wilkinson on Limitations.
Wilk. P. & M. Wilkinson, Paterson and Murray's Reports, New South Wales.
Wilk. Prec. Wilkinson's Precedents in Conveyancing.
Wilk. Pub. Funds. Wilkinson on the Law Relating to Public Funds.
Wilk. Repl. Wilkinson on Replevin.
Wilk. Ship. Wilkinson on Shipping.
Wilk. & Mur. or *Wilk. & Ow.* or *Wilk. & Pat.* Wilkinson, Owen, Paterson & Murray's New South Wales Reports.
Will. Willes's English Common Pleas Reports;—Willson's Reports, vols. 29-30 Texas Appeals, also vols. 1, 2 Texas Civil Appeals;—Williams on Executors;—See, also, Williams.
Will. Ann. Reg. Williams's Annual Register, New York.
Will. Auct. Williams on the Law of Auctions.
Will. Bankt. L. Williams on the Bankrupt Law.
Will.-Bund St. Tr. Willis-Bund's Cases from State Trials.
Will. Just. Williams's Justice.
Will. L. D. Williams's Law Dictionary.
Will. (Mass.). Williams's Reports, Massachusetts Reports, vol. 1.
Will. P. or Will. (Peere). Peere-Williams's English Chancery Reports.
Will. Per. Pr. Williams on Personal Property.
Will. Real As. Williams on Real Assets.
Will. Real Pr. Williams on Real Property.
Will. Saund. Williams's Notes to Saunders's Reports.
Will. (Vt.). Williams's Reports, Vermont.
Will., Woll. & Dav. Willmore, Wollaston & Davison's English Queen's Bench Reports.
Will., Woll. & Hodg. Willmore, Wollaston & Hodges, English Queen's Bench Reports.
Will. & Br. Adm. Jur. Williams and Bruce on Admiralty Jurisdiction.
Willard Eq. Willard's Equity.
Willard Ex. Willard on Executors.
Willard Real Est. & Con. Willard's Real Estate and Conveyancing.
Willc. Const. Willcock, The Office of Constable.
Willc. L. Med. Pr. Willcock's Law Relating to the Medical Profession.
Willc. Mun. Corp. or *Willcock, Mun. Corp.* Willcock on Municipal Corporations.
Willes. Willes's Reports, English King's Bench and Common Pleas.

- Williams. Peere-Williams's English Chancery Reports*;—*Williams's Reports*, vols. 27-29 Vermont;—*Williams's Reports*, vol. 1 Massachusetts;—*Williams's Reports*, vols. 10-12 Utah.
- Williams, Common.* Williams on Rights of Common.
- Williams, Ex'rs.* Williams on Executors.
- Williams P. or Williams, Peere.* Peere Williams's Reports, English Chancery.
- Williams, Pers. Prop.* Williams on Personal Property.
- Williams, Saund.* Williams's Notes to Saunders's Reports.
- Williams, Seis.* Williams on Seisin.
- Williams & B. Adm. Jur.* Williams & Bruce on Admiralty Jurisdiction.
- Willis Eq.* Willis on Equity Pleadings.
- Willis Int.* Willis on Interrogatories.
- Willis Trust.* or *Willis, Trustees.* Willis on Trustees.
- Willm. W. & D.* Willmore, Wollaston and Davison's Reports, English Queen's Bench.
- Willm. W. & H.* Willmore, Wollaston & Hodges's English Queen's Bench Reports.
- Willis Cir. Ev. or Willis, Circ. Ev.* Willis on Circumstantial Evidence.
- Wilson.* Willson's Reports, vols. 29-30 Texas Appeals, also vols. 1, 2 Texas Court of Appeals, Civil Cases.
- Wilm. or Wilm. Op. or Wilm. Judg.* Wilmot's Notes of Opinions and Judgments, English King's Bench.
- Wils.* Wilson's Reports, English King's Bench and Common Pleas.
- Wils. (Cal.).* Wilson's Reports, California.
- Wils. Ch.* Wilson's Reports, English Chancery.
- Wils. Ent.* Wilson's Entries and Pleadings (same as vol. 3 Lord Raymond).
- Wils. Exch.* L. Wilson's Reports, English Exchequer.
- Wils. Fines & Rec.* Wilson on Fines and Recoveries.
- Wils. (Ind.).* Wilson's Indiana Superior Court Reports.
- Wils. Ind. Gloss.* Wilson, Glossary of Indian Terms.
- Wils. K. B.* Sergeant Wilson's English King's Bench Reports.
- Wils. (Oreg.).* Wilson's Reports, Oregon.
- Wils. Parl. L.* Wilson's Parliamentary Law.
- Wils. Uses.* Wilson on Uses.
- Wils. & C. or Wils. & Court.* Wilson and Courtenay's Reports, English House of Lords, Appeals from Scotland.
- Wils. & S. or Wils. & Sh.* Wilson and Shaw's Reports, English House of Lords, Appeals from Scotland (Shaw, Wilson & Courtenay).
- Wilson.* Wilson's English Common Pleas Reports;—Wilson's English Chancery Reports;—Wilson's English Exchequer Equity Reports;—Wilson's Indiana Superior Court Reports;—Wilson's Reports, vols. 1, 3 Oregon;—Wilson's Reports, vols. 48-59 Minnesota.
- Win.* Winston's Law Reports, North Carolina;—Winch's English Common Pleas Reports.
- Win. Ent.* Winch's Entries.
- Win. Eq.* Winston's Equity Reports, North Carolina.
- Winch.* Winch's Reports, English Common Pleas.
- Wing. or Wing. Max.* Wingate's Maxims.
- Wins.* Winston's Reports, North Carolina.
- Wins. Eq.* Winston's Equity Reports, North Carolina.
- Winst. or Winst. Eq.* Winston's Law or Equity Reports, North Carolina.
- Wis.* Wisconsin;—Wisconsin Reports.
- Wis. Bar Assn.* Wisconsin State Bar Association.
- Wis. Leg. N.* Wisconsin Legal News, Milwaukee.
- With.* Withrow's Reports, Iowa.
- With. Corp. Cas.* Withrow's American Corporation Cases.
- Withrow.* Withrow's Reports, vols. 9-21 Iowa.
- Wkly. Notes Cas. (Pa.).* Weekly Notes of Cases, Philadelphia, Pennsylvania.
- Wm. Bl.* William Blackstone's Reports, English Courts.
- Wm. Rob.* William Robinson's New Admiralty Reports, English.
- Wms.* Williams (see Will.).
- Wms. Ann. Reg.* Williams's Annual Register, New York.
- Wms. Auct.* Williams on the Law of Auctions.
- Wms. Ex.* Williams on Executors.
- Wms. Just.* Williams's Justice.
- Wms. L. D.* Williams's Law Dictionary.
- Wms. (Mass.).* Williams's Reports, Massachusetts Reports, vol. 1.
- Wms. Notes.* Williams's Notes to Saunders' Reports.
- Wms. P. or Wms. Peere.* Peere Williams's Reports, English Chancery.
- Wms. Peere.* Peere-Williams's English Chancery Reports.
- Wms. Per. Pr.* Williams on Personal Property.
- Wms. Real As.* Williams on Real Assets.
- Wms. Real Pr.* Williams on Real Property.
- Wms. Saund.* Williams's Notes to Saunders' Reports.
- Wms. Vt.* Williams's Reports, vols. 27-29 Vermont.
- Wms. & Br. Adm. Jur.* Williams and Bruce on Admiralty Jurisdiction.
- Woll.* Wollaston's English Bail Court Reports;—Wolcott's Reports, vol. 7 Delaware Chancery.
- Wolf. Inst.* Wolfius's Institutiones Juris Naturæ et Gentium.
- Wolf. & B.* Wolferstan and Bristow's Election Cases.
- Wolf. & D.* Wolferstan and Dew's Election Cases.
- Wolff, Dr. de la Nat.* Wolfius, Droit de la Nature.
- Wolff. Inst. or Wolff. Inst. Nat.* Wolfius, Institutiones Juris Naturæ et Gentium.
- Wolfius or Wolffius, Inst.* Wolfius, Institutiones Juris Naturæ et Gentium.
- Woll. or Woll. P. C.* Wollaston's English Bail Court Reports (Practice Cases).
- Wood.* Woods's United States Circuit Court Reports;—Wood's English Tithe Cases.
- Wood Civ. L.* Wood's Institutes of the Civil Law.
- Wood Com. L.* Wood's Institutes of the Common Law.
- Wood Conv.* Wood on Conveyancing.
- Wood Decr.* Wood's (Decrees in) Tithe Cases.
- Wood Fire Ins.* Wood on Fire Insurance.
- Wood (H.).* Hutton Wood's Decrees in Tithe Cases, English.
- Wood, Ins.* Wood on Fire Insurance;—Wood's Institutes of English Law.
- Wood, Inst. or Wood, Inst. Com. Law.* Wood's Institutes of the Common Law.
- Wood Inst. Eng. L.* Wood's Institutes of English Law.
- Wood. Lect.* Wooddeson's Lectures on Laws of England.
- Wood Man.* Wood on Mandamus.
- Wood Mast. & St.* Wood on Master and Servant.
- Wood Mayne Dam.* Wood's Mayne on Damages.
- Wood Nuis.* Wood on Nuisances.
- Wood Ti. Cas.* Wood's Tithe Cases.
- Wood. & M. or Woodb. & M.* Woodbury & Minot's United States Circuit Court Reports.
- Woodd. Jur.* Wooddeson's Elements of Jurisprudence.
- Woodd. Lect.* Wooddeson's Lectures on the Laws of England.
- Woodf. Cel. Tr.* Woodfall's Celebrated Trials.
- Woodf. L. & T. or Woodf. Landl. & Ten.* Woodfall on Landlord and Tenant.
- Woodf. Parl. Deb.* Woodfall's Parliamentary Debates.
- Woodm. Cr. Cas.* Woodman's Reports of Thacher's Criminal Cases, Massachusetts.
- Woodm. & T. on For. Med.* Woodman and Tidy on Forensic Medicine.
- Woods or Woods C. C.* Woods's Reports, United States Circuit Courts, 5th Circuit.
- Woodv. Dec. Pa.* Woodward's Common Pleas Decisions, Pennsylvania.
- Wool.* Woolworth's United States Circuit Court Reports;—Woolrych.
- Wool. C. C.* Woolworth's Reports, United States Circuit Courts, 8th Circuit (Fuller's Opinions).
- Woolr. Com.* Woolrych on Commons.

- Woolr. Comm. L.* Woolrych on Commercial Law.
Woolr. P. W. Woolrych on Party Walls.
Woolr. Sew. Woolrych on Sewers.
Woolr. Waters. Woolrych on Law of Waters.
Woolr. Ways. Woolrych on Law of Ways.
Woolr. Window L. Woolrych on Law of Window Lights.
Wools. Div. Woolsey on Divorce.
Wools. Int. L. Woolsey's International Law.
Wools. Pol. Science or *Woolsey, Polit. Science.* Woolsey's Political Science.
Woolw. Woolworth's United States Circuit Court Reports;—Woolworth's Reports, vol. 1 Nebraska.
Worcester. Worcester, Dictionary of the English Language.
Word. Elect. Wordsworth's Law of Election.
Word. Elect. Cas. or *Words. Elect. Cas.* Wordsworth's Election Cases.
Word. Min. Wordsworth on the Law of Mining.
Worth. Jur. Worthington on the Powers of Juries.
Worth. Prec. Wills. Worthington's Precedents for Wills.
Wr. Wright (see Wright);—Wright's Reports, vols. 37-50 Pennsylvania State.
Wr. Ch. Wright's Chancery Reports, Ohio.
Wr. Cr. Consp. Wright on Criminal Conspiracies.
Wr. N. P. Wright's Nisi Prius Reports, Ohio.
Wr. Ohio. Wright's Chancery Reports, Ohio.
Wr. Pa. Wright's Reports, Pennsylvania State Reports, vols. 37-50.
Wr. Ten. Wright on Tenures.
Wri. or Wright. Wright's Reports, vols. 37-50 Pennsylvania State;—Wright's Ohio Reports.
Wright N. P. Wright's Nisi Prius Reports, Ohio.
Wright, Ten. Wright on Tenures.
Wy. Wyoming; — Wyoming Reports; — Wythe's Virginia Chancery Reports.
Wy. Dic. Wyatt's Dickens's Chancery Reports.
Wyatt P. R. Wyatt's Practical Register in Chancery.
Wyatt, W. & A'B. Wyatt, Webb and A'Beckett's Reports, Victoria.
Wyatt, W. & A'B. Eq. Wyatt, Webb and A'Beckett's Equity Reports, Victoria.
Wyatt, W. & A'B. I. P. & M. Wyatt, Webb and A'Beckett's Insolvency, Probate and Matrimonial Reports, Victoria.
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Wyatt & Webb. Wyatt & Webb's Reports, Victoria.
Wym. or Wyman. Wyman's Reports, India.
Wyn. or Wynne. or *Wynne Bov.* Wynne's Bovill's Patent Cases.
Wyo. Wyoming;—Wyoming Reports.
Wyo. T. Wyoming Territory.
- Wythe or Wythe Ch.* Wythe's Virginia Chancery Reports.
Y. Yeates's Pennsylvania Reports.
Y. B. Year Book, English King's Bench, etc.
Y. B. Ed. I. Year Books of Edward I.
Y. B. P. 1, Edw. II. Year Books, Part 1, Edward II.
Y. B. S. C. Year Books, Selected Cases, 1.
Y. L. R. York Legal Record.
Y. & C. Younge & Collyer's English Chancery or Exchequer Reports.
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Y. & J. Younge & Jervis's English Exchequer Reports.
Y. & J. Younge and Jervis's Reports, English Exchequer.
Yale Law J. Yale Law Journal.
Yates Sel. Cas. Yates's New York Select Cases.
Yea. Yeates's Pennsylvania Reports.
Yearb. Year Book, English King's Bench, etc.
Yearb. P. 7, Hen. VI. Year Books, Part 7, Henry VI.
Yeates. Yeates's Reports, Pennsylvania.
Yel. or Yelv. Yelverton's English King's Bench Reports.
Yerg. Yerger's Tennessee Reports.
Yo. Young (see You.).
Yool Waste. Yool on Waste, Nuisance and Trespass.
York Ass. Clayton's Reports (York Assizes).
York Leg. Rec. York Legal Record.
You. Younge's English Exchequer Equity Reports.
You. & Coll. Ch. Younge & Collyer's English Chancery Reports.
You. & Coll. Ex. Younge & Collyer's English Exchequer Equity Reports.
You. & Jerv. Younge & Jervis's English Exchequer Reports.
Young. Young's Reports, vols. 31-47 Minnesota.
Young Adm. Young's Nova Scotia Admiralty Cases.
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Young M. L. Cas. Young's Maritime Law Cases, English.
Young, Naut. Dict. Young, Nautical Dictionary.
Younge. Younge's English Exchequer Equity Reports.
Younge & Coll. Younge and Collyer's Reports, English Exchequer Equity.
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Yuk. Yukon Territory.
Zab. Zabriskie's New Jersey Law Reports.
Zach. Dr. Civ. Zachariae Droit Civil Français.
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